

Employment of People with Disabilities: Issues and Opportunities

**Division of Continuing Education
The University of Kansas**

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PREFACE

Preparation of this conference report has been made possible through the generous support provided by Martin H. Gerry, Assistant Secretary for Planning and Evaluation, and Deborah L. McFadden, Commissioner, Administration on Developmental Disabilities, U.S. Department of Health and Human Services. Many thanks!

Employment of people with Disabilities: Issues and Opportunities was conducted in cooperation with Senator Bob Dole and Wichita State University on January 31-February 1, 1992. It was the sixth in a series of public policy conferences conducted by the University of Kansas in cooperation with other members of the Kansas congressional delegation. Previous conferences have concentrated on issues related to rural economic development, the rural elderly, water quality, solid wastes, and health care.

Senator Dole, a major advocate on the national scene for people with disabilities, recommended the topic for the conference; his guidance throughout the planning and implementation of the program ensured its success. A special thanks is also due to members of Senator Dole's **staff**, particularly **Marcie** Adler and Maureen "Mo" West.

Major contributions of time and effort were made by members of the planning committee: a list of their names can be found in the Appendix to this report. Their help in working out the many details of the program was invaluable.

The Kansas Planning Council on Developmental Disabilities Services provided scholarship funding for the conference. This enabled the participation of nearly 50 people who might otherwise have been unable to attend. Additional funding and support was provided by Sears, Roebuck and Company, McDonald's Corporation, Pizza Hut, and McClelland Sound, Inc. These contributions enabled us to offer the conference at the lowest registration fee possible.

I also want to give a "Big Thank-You" to the speakers for their **fine** work. Each speaker provided important and thought-provoking information we all must use to ensure that people with disabilities have greater opportunities to become productive citizens. This report is dedicated to that cause.

Richard Meyer
Assistant Dean
Division of Continuing Education
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BOB DOLE

KANSAS

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COMMITTEES:

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United States Senate

WASHINGTON, DC 205 10- 160 1

Dear Friends:

I have always been inspired by the state motto of Kansas -- "To the stars through Difficulties." Last year, our nation devoted itself to ensuring that people with disabilities have the opportunity to reach for the stars, to develop to their fullest potential, and to enter the mainstream of society. When Congress passed the Americans with Disabilities Act (ADA), we not only outlawed discrimination against people with disabilities, but also ensured that we all have the opportunity to live lives of self determination and independence.

President Bush signed the Americans with Disabilities Act into law on July 16, 1990. The ADA is an important beginning, giving us not only a framework from which to work, but also a mandate from which to proceed. However, to reinforce the goals of ADA and to move disability policy forward into the next century, it is critical to maintain a united and solid partnership among the disability communities as well as the public and private sectors. By working together, we can ensure that every American citizen with disabilities will be provided the access and opportunity to be a part of all that society offers.

Bi-partisan support in Congress with cooperative efforts from people with disabilities, business leaders and concerned American citizens made this historic legislation possible. As a result, this new law will ban discrimination in employment, public accommodations, transportation and telecommunications. Most importantly, skilled workers will become productive contributing members of society. Tax users will become tax payers and all Americans will benefit from an all inclusive workforce and a stronger economy.

To be sure, our progress has been great. But all the progress including recent enactment of the ADA is only a reminder of how much more remains to be done. Fulfilling the mandates of the ADA will require all of us to adopt a new attitude and seek opportunity to use the productive capacity of people with disabilities. The technical ingenuity and generous spirit of American business tells me that the promise of ADA will be realized. Awareness is the key to change. It is my hope that these Conference proceedings will make the difference.

Sincerely,



BOB DOLE
United States Senate

EMPLOYMENT OF PEOPLE WITH DISABILITIES: ISSUES AND OPPORTUNITIES

Keynote Address

John D. Kemp
Executive Director

United Cerebral Palsy Associations, Inc.
Washington, D.C.

Note: Mr. Kemp is a lawyer and an expert on disability issues and services. His organization, United Cerebral Palsy Associations, Inc., deals specifically with disability issues and advocacy. He also serves as a liaison to governmental agencies, individuals, and non-profit corporations. He is one of very few people occupying this type of position who has had personal experience with a disability. In 1991 he was named as a winner of the Horatio Alger Award, extended in recognition of accomplishments in the face of adversity.

Thank you very much. I am a Kansas boy, and it is a privilege to be back with you.

Distinguished volunteers, staff, friends, parents, persons with disabilities, class agents, people of class, people of color, colorful people, people of height, the vertically constrained, people of hair, the differently quaffed, the optically challenged, the temporarily sighted, the insightful, the out of sight, the out-of-towners, the Eurocentrics, the Afrocentrics, the Afrocentrics with Eurail passes, the eccentrically inclined, the sexually disinclined, people of sex, sexy people, sexist pigs, animal companions, friends of the earth, friends of the boss, the temporarily employed, the differently employed, the differently optioned, people with options, people with stock options, the divestitursts, the deconstructionists, the home constructionists, the home boys, the homeless, the temporarily housed at home, and-God save us—the permanently housed at home: Thank you for having me today!

Thanks to Garry Trudeau, who wrote that. I told him I had to use it some time!

It is an exciting time in this country for people with disabilities. 'Unbelievable' is what many of us believe. In fact, the responsibility on us today is a little bit overpowering at times. And yet, some of us said it has taken too long to get here. Too much time has gone by before we could be sitting here today talking about the ADA, employment, and what it means to

be able to go to a retailer and have access as a full-fledged customer in the marketplace. What a day!

Twenty years ago, when I got into this movement, I really didn't believe we would reach this point, although I wanted it very badly. In fact, in the 1980s I got slightly discouraged because I felt that the winds weren't going with us. We were fighting them harder and harder. We had 504 of the Rehab Act and everything seemed to be okay, but then it just seemed to get worse.

Then, out of left field, a coalition of great people with disabilities-and friends of people with disabilities-put the ADA together. They floated it by a great congressional staff, who provided input and built one of the strongest coalitions across this country of parents, people with disabilities, rehab professionals, and employers who knew the labor force shortage would be bad and they would need new sources of labor, including people with disabilities. By the way, these employers participated for humanitarian reasons as well. They did it because it was the right thing to do.

By the year 2000, only eight years from now, fully 20 percent of the U.S. population will have some kind of disability identified under the ADA. So, whether you are a retailer or an employer, disability is part of all of our lives. And it is a wonderful time when we start being regarded as an equal in terms of customer service and employment.

There are 43 million people with disabilities in this country, and that number is growing. We know that the average age of a disabled adult in this country is 16 years older than the average age of a non-disabled individual. The average age for a disabled adult is 50; 34 is the average age for a **non-**disabled adult. Age and disability are very much related. I'm 42 now, I wear glasses most of the time, and my wife says I can't hear her when she's talking to me. So obviously, these disabilities are happening.

Here are the underpinnings for the ADA, why the ADA became important, and why it is important to all of you now:

- **Educational attainment.** About **81** percent of the general population has attained a high school education, and that is not good enough yet. That is not acceptable to all of us in public policy terms. But only 62 percent of adults with disabilities have a high school education, and that is 12 years after passage of the Education of All Handicapped Children's Act (which has a new and more appropriate name, the Individuals with Disabilities Education Act). People with disabilities still lag substantially behind in terms of educational attainment. Thus, when we go to get jobs, maybe we aren't even being discriminated against on the basis of disabilities, but instead because we lack the educational qualifications. And it is going to take time to move us through this process.

- **Earnings.** People with disabilities live at or below the poverty level at a rate $2\frac{1}{2}$ times that of non-disabled individuals. One in 10 able-bodied

individuals lives in poverty, but one out of every four adults with disabilities lives in poverty.

The disabled are economically disadvantaged. Disabled men, when they are working, earn on average \$2,600 less than non-disabled working men. Disabled women, when they are working, earn \$3,600 less than **non-disabled** working women. And how much money do women make in relation to men? Disabled women earn less than half the wages of disabled men. So if you are a woman with a disability, you are facing incredible economic hardship. And the ADA, in part, exists to address that.

• **Employment.** There is a correlation between educational attainment and unemployment. Disabled individuals who have only an eighth-grade education or less currently have an unemployment rate of 70 percent. We all pay for this dependency. For disabled individuals who get only a high school education, the unemployment rate is about 50 percent. For disabled individuals who get through four years of college, the unemployment rate is 30 percent. That's what life is like for 43 million people with disabilities in this country.

Draw a pie chart representing 43 million adults with disabilities, as defined by the Americans with Disabilities Act. If you divide the pie into thirds, **one-third** are working in competitive employment; one-third are regarded as so severely disabled that they are unable to work; and the last third are ready, willing, and able to work but are having difficulty finding or accessing the workplace. Two-thirds of disabled adults are unemployed.

Regarding the one-third who are considered too severely disabled to work: There may be a few people in this category, but many people on the staff of United Cerebral Palsy Associations are convinced that with supported employment, **assistive** technology, and personal assistance, that number doesn't have to be anywhere near one-third. That is because the world of work is changing. As human needs change, so will the response of the workplace.

From some of the statistics that have come out in the last few years, we know that disabled persons 'are twice as likely to be self-employed. It may sound great that people with disabilities can start their own businesses. But **why are they** starting their own businesses? In some respects, it is because they have been denied access to the workplace.

In fact, there have been some negotiated or structured lawsuit settlements called "therapeutic capitalization." The firms structure the settlement of an injury so the individual can set up his or her own company. I am sure a lot of insurance companies and workers compensation people would love to say, "Here's a structured settlement; go start your own business. Sign a release. We're done." But that doesn't open up equal opportunity in the workplace, and that is what the ADA is all about.

Self-employment is an option a person with a disability might like to have. But when you are self-employed and starting your own business, you have a hard time affording health insurance. You probably don't have a pension program, and you lack benefits. What we are looking for is opportunity in the workplace.

Louis Harris has conducted numerous polls concerning people with disabilities. About six years ago, a Harris poll found an expanding group consciousness among people with disabilities, especially younger people. "We don't have to go hat in hand, begging our way into a job today," they said. "We now have the ADA, which gives us basic rights."

That political consciousness was fomenting then and is now coming forth, I think in the '90s you are going to see true political activity on the part of people with disabilities as an important special interest group. Politically aware disabled people are having a tremendous impact in Congress. The coalition that achieved the ADA is powerful, and we have lots of friends. We have parents, and we have rehab people, and we have good human resource managers. You can see this movement when you see the presidential candidates address people with disabilities and their issues in platform discussions.

When we break down the people with disabilities into sub-groups, just a couple of notes:

- Women. The 1970s were noted for the influx of women into the workplace, to the point where about 70 percent of working-age women now are employed. Yet to date, three out of four women with disabilities are not working. We know that less well-educated, poorer women get jobs involving more physical labor, with greater risk to exposure and injury. That is why we have a higher incidence of disability among women in the poorer and less well-educated classes. Thirty percent of women with disabilities report incomes below the poverty level.

- African-Americans. Disability is markedly more common among African-Americans than among whites or Hispanics. Approximately one-half of working-age African-Americans with disabilities live with incomes below the poverty level. A majority of able-bodied African-Americans have a high school diploma: a majority of disabled African-Americans do not.

- Hispanics. Hispanics with disabilities are the least well-educated of all sub-groups. The average Hispanic with a disability has a ninth-grade education: 27 percent have a high school diploma: and only 3 percent have a college degree.

When you throw all these statistics together, here is what pops out. If you are poor, you stand a higher chance of becoming disabled in America. And if you are disabled, you stand a higher chance of becoming and remaining

poor. If **you** become disabled, you have to spend away your assets to qualify for many programs.

In the context of employment, there are broader issues. Here is the current lo-point national disability agenda (not ranked in order of priority). We at the United Cerebral Palsy Associations watch this agenda closely, because our legislative priorities are based on what is wanted and needed by people with disabilities and their families across the country.

Equal opportunity Laws

The ADA, 504 IDEA (the Individuals with Disabilities Education Act), and a variety of other laws are in place. Now we need to make sure they are properly regulated and enforced. And believe me, we don't want companies going out of business trying to comply with the ADA: that is the last thing people with disabilities want. If that happens, then companies and advocates have missed the whole point.

Employment

The issues now include under-employment, programs of transition from school to work, supported employment, and whether there is a long-term future for facility-based training programs. The work site might be the place where training of severely disabled individuals should occur, with government support to provide that training. We may be shifting from facility-based programs to workplace and other integrated programs.

The Rehab Act is up for reauthorization and is a hot topic. At United Cerebral Palsy, we are pushing for a voucher system (if you want to change the words to make it more palatable, an "individual training account") through which the government would invest in individuals. The government would provide a certain amount of money to disabled individuals, and it would be up to them to spend that money on training, perhaps from a variety of sources.

The potential sources for training-whether UCP, KETCH, Goodwill, or any other sources-would have to justify to the disabled person why he or she should spend that money with them. That is empowerment, because empowerment is who has the money. And if we disabled people are regarded as **customers** under the ADA, then sooner or later we are going to have this kind of buying power among training agencies and employers.

"Who is producing the outcomes that I want in my life?" That is what a person with disabilities should be asking. Who is going to give me freedom? Who is going to teach me to be independent? Who is going to give me a job that's meaningful to me?" That is where I would want to spend my money. That is what's happening, I think, in the agenda development and employment arenas.

Disincentives to Work under Social Security

We continue to look at this issue. There is a PAS program. There are different ways of looking at it, but it is important. It is too broad to get into here, but it is an agenda item for us.

Prevention

Prevention of disability is not a dirty word in the disability community. Some people think it is like euthanasia-if we prevent disability, we're not going to have any disabled people. **"There** goes our movement! We won't have any voters! We won't have any clout!"

Give me a break! Do we really want more people with disabilities? I don't think so! But those of us with disabilities want to be treated with the fullest respect and dignity. We always will have people with disabilities in this country. But where we can, we should minimize and prevent disability.

Transportation

In 1965, Congress said persons with disabilities have the same right to use public transportation as non-disabled individuals. It took Title II of the ADA in 1990 to get full compliance. With Amtrak it has taken 30 years. But at least the transportation requirements are now codified.

Housing

The three **A's** of housing are "appropriate," "affordable," and "accessible." Tie the ADA with the Fair Housing Act amendments, and the entities that offer housing of 10 or more units have some responsibilities to put in accessible, adaptable housing and to make it available to people with disabilities.

Just to give you the magnitude of the problem, there are 10,000 severely disabled people in Cook County, Illinois (Chicagoland) who are in nursing homes because they cannot find appropriate, available housing. They can live in independent housing units, but they can't **find** it accessible to them. And we pay a lot of money-a lot more than an integrated apartment setting would cost all of us to support-keeping them in nursing homes. That is the problem, and it doesn't **fulfill** the integration principle that we promote.

Health Care Reform and Access to Health Care

This is not just our issue, it is the whole country's issue. This is a serious issue for small business, for people with disabilities, and for uninsured workers, and we know something is going to happen. It has **finally** cooked up to the top. In Pennsylvania, it affected an election dramatically, and it is going to be a major topic in this country.

I was told yesterday by a staff member that a lawsuit ruling, which prevailed at the Federal District Court level, said an employer could change the maximum lifetime benefit on a health insurance program for any employee who had developed AIDS. They changed the cap from \$1 million to \$5,000, and the district court agreed. The case is being appealed. But if that ruling prevails, a lot of employers will make the short jump to saying, "Well, if you have a spinal cord injury, we are going to make that a \$25,000, not a \$1 million, benefit. We are going to go disability by disability in trying to hold down costs."

Granted, the cost of health care is spiraling out of control, and a broad answer to this question is needed. But it is not going to be on the backs of people with disabilities. I think this responsibility has to be shared among the population.

Education for Children

When I went to school years ago, I was the only kid in my class with a disability. Just like all the other kids, I got to hear: "You can be an astronaut: you can be president of the United States: you can be a senator: you can get a job with United Cerebral Palsy." I actually believed it, and I guess that is how I ended up where I am. I said, "I can do that, and I can do that, and I think I can do that," and my family supported me.

I see disabled kids today who are hearing the same thing. It is not OK to graduate from high school, go back home, flip on the tube, and sit on their butts for the rest of their days. It is not acceptable at all. They have the dream that everybody talks about-and they **should** have the dream. They are going to go for it. They are going to go through college, if that is what they want, or they are going to get a job, if that is what they want and if they are qualified. The world is opening up, because their expectations are heightened by being a part of our communities and our schools. That is the wonderment of integration-that the dreams become all of our dreams.

Personal Assistance

You won't find personal assistance (such as interpreters, readers, and personal attendants) in the EEOC regulations under the ADA, unless you flip through the interpretive guidelines or suggestions in the back of the book. We asked EEOC to put personal assistance and **assistive** technology into the regulations, because people at times need personal supports in employment, as well as in housing and in other parts of their lives, to remain independent.

Believe me, it is more cost effective to provide a personal attendant or personal services to individuals than it is to pay the price of dependency. If **you keep someone with a severe disability in a nursing home bed, pay lots of money for their care, and lose their productivity, it will cost more than if you provide a personal attendant at minimum wage or above to help that**

individual live in an integrated apartment or in a regular apartment that is accessible. We need to help them get dressed and out the door to their jobs, where they are going to generate their own incomes and pay taxes.

At United Cerebral Palsy, we hire people with cerebral palsy and other disabilities. We therefore have hired a personal services employee, who works about 15 hours a week helping two or three people in the office with filing, returning phone calls (one person is non-verbal), and a variety of other tasks. It is in our best interest, because the employees with disabilities are professionals. We are paying them a good salary. We know what they can produce, and we want to facilitate their productivity.

Assistive Technology

This refers to the non-human supports, the gizmos and gadgets that help people be productive-everything from a special straw to help someone drink out of a glass of water, to velcro, computers, speaker phones, and little infrared zappers so we can remain on the couch and turn on the stereo or TV and turn off the lights across the room. These gizmos are a godsend to people with disabilities.

There has to be a way to fund assistive technology, because it helps people with disabilities be productive in the workplace and at home, and it keeps them independent. We have been participating with the National Council on Disability in a funding study, which you will hear more about after it is presented to Congress. Funding for these services is obviously the key. The technology is out there, we know it is productive, and now we have to figure out a rational way to pay for it.

Let's talk briefly about the ADA and employment. We had our first "independence day" January 26, 1992, the deadline by which retailers were required to make their places, and any place of public accommodation, accessible (or make their services available) if they could do so without undue hardship. Our second "independence day" will be July 26, 1992, when the employment law goes into effect. I have heard about your state law, which seems to do everything the ADA requires, but made it happen earlier! It is effective, and I imagine you are already learning a lot about it.

I want to mention the six activities generally prohibited under the ADA. This list sums up the employment philosophy of the ADA, the "why" for the various regulations.

1) You cannot limit, segregate, or classify a disabled person. If you hire someone who has cerebral palsy or AIDS, you can't put that person over in a corner and rope it off because you want to make sure he is "protected" from other workers and they are also "protected" from him.

2) **You** cannot participate in a contract or other relationship that has the effect of discriminating. If you use temporary services agencies, you

must let them know that you cannot contract with any entity that causes discrimination. You had better amend your vendor contracts to reflect this prohibition.

Three areas not directly affected by the ADA are collective bargaining, health insurance, and workers compensation. Unions as entities are covered under the ADA, but collective bargaining agreements are not addressed specifically. If you have unions, listen closely throughout this conference to learn how to connect the obligation of an employer to reasonably accommodate, and the obligation of a union to protect and promote its members.

There is a potential conflict. I know of one collective bargaining case that involved a balancing test: Did the employer have to reasonably accommodate a disabled person by rearranging job tasks, or did the union have the right to require the employer to take the individual up the line? The court defended the right of the employer over the obligation of the collective bargaining agreement.

3) There are three areas of protection for able-bodied individuals under the law:

- First, an employer cannot deny equal jobs or benefits to a qualified individual because of the known disability of a person with whom the qualified individual has a relationship or association, such as a disabled spouse or child.

Here is what this means. You are able-bodied, and you are married to a person who has multiple sclerosis. You are looking for a job. Everything is going great, until somehow the employer learns that your spouse has MS. Because he doesn't want problems with his health insurance program, or for any other reason, the employer denies you the job. Under the ADA, you are protected from that sort of "associational discrimination." This provision exists under Title III, Public Accommodation, as well.

- Second, if you are able-bodied and you are wrongfully perceived as disabled and therefore denied employment, you are covered under the ADA. Let's say you limp into an interview after a racquetball weekend in which you pulled a muscle. The job you are after requires some standing. On her form, the interviewer writes: "Limps badly; unable to stand for long periods of time-disqualify." Well, come on down! You are in the club! So, if you are wrongfully perceived as disabled, you are protected.

- Third, let's say you-a do-gooder, able-bodied person-feel strongly that your buddy on the line, who happens to use a wheelchair, has been discriminated against. You start raising hell with the employer, and the **employer says, "I'm sick of listening to you. You're fired." If your employer retaliates unfairly against you, an able-bodied individual, because you were**

protecting someone else's interests, you have standing under the ADA's retaliation segments.

- Fourth, an employer cannot fail to make reasonable accommodations, and we are not talking about Holiday Inns anymore when we talk about reasonable accommodations.

Some of you know Joe Greave, who worked in our consulting business organizing disability awareness programs. He has a spinal cord injury and uses a wheelchair. Joe came into my office one day and said, "I want a couch in my **office**." I said, "Joe, **I'm** one of the principals here; do you see a couch in **my** office?" And he said, "John, if I don't get off my rear end once in a while during the day, I'm going to get a dicubitous ulcer. Then I'm going to be in a striker bed in the hospital for two or three months, and I'm going to be out of work, and your insurance costs are going to go sky high." I said, "You're talking good stuff here, Joe: what kind of couch do you want?" We got him a little two-seater couch from which he could reach the phone, and he got off his rear end for part of the day. That is pretty reasonable, when you think about it.

You will need to make a case-by-case determination. You are going to get people who demand a **9-foot** couch with a pull-out bed! Then you have to be smart enough to run to John Leslie or Judy **Hearn** or some other expert and ask what is appropriate. There are people who will help you make these kinds of decisions. They will help you deal with the employee who demands a Cadillac because she won the Malcolm Baldrige Award.

- Fifth, you cannot use qualification standards, employment tests, or other selection criteria that screen out or tend to screen out people with disabilities. You need to use dynamic, relevant job descriptions that reflect what is actually going on in the job.

You are going to have to be careful in the way you give medical examinations, because you can test only for physical capability to perform job-related duties. If you are testing for sight when sight is not important, and for hearing when hearing is not important, you will end up disqualifying people on the basis of things that are unrelated to successful, safe performance on the job. And, you will violate the ADA.

- Sixth, you will be in violation of the ADA for failing to select and administer tests in the most effective manner, to ensure that tests measure job-related skills. If you give me a typing test, you will learn that I don't type very fast. But you won't learn whether I am cut out to be the executive director of United Cerebral Palsy. That typing test is unrelated to my job.

Drug testing, however, is protected under the ADA. You can give drug tests at any time, and they are not affected by the medical examination requirements.

Here now is my quick-and-dirty, seven-step process for complying with the ADA:

- 1) **Know** the physical requirements of a job and the job environments.
- 2) Establish minimal physical (and mental) requirements of jobs. What are the minimal requirements of the job, both physical and mental? What does an applicant need to know to be able to do the job? It is the hardest thing in the world to define honestly the minimal mental requirements for a job. For the minimal physical requirements, you can get a good judgment from qualified rehabilitation professionals, people who know how to do job analysis and the like.
- 3) Write and maintain job-related job descriptions.
- 4) Establish minimum medical standards for the job, with safety concerns factored in. Safety is a highly regarded defense. If you, as an employer, can prove that you used safety reasons not to hire someone, the courts and EEOC will support you. In fact, EEOC says it **will** give great deference to the employer's job description.
- 5) Screen applicants for education, experience, and skills criteria. As an employer, you send out a job announcement, you recruit, and you get 100 applications. Now you are starting to cook down that applicant pool. You turn on the heat and boil out the applicants who don't meet the education, experience, and skills criteria.
- 6) If you use medical examinations, give them only to those who have been extended offers of employment, conditioned on their passing the exam. Determine the most qualified individual and extend an offer of employment, conditioned on his or her passing the exam. The medical examination was the big trap for people with disabilities in the past: they were caught there all too often.
- 7) For those initially rejected, factor in reasonable accommodation principles one more time. Ask yourself whether the job could be restructured in any way to allow the applicants you have rejected to be placed in that job.

Obviously, this is over-simplified; there are lots of nitty-gritty details in the ADA that must be explored. Those seven steps provide the framework for what you have to do. You start with knowing the job, providing documentation, and making wise decisions in terms of medical screening and safety. You produce job interviews that are job related.

The affirmative action obligations for federal contractors appear in 503 of **the Rehab Act. We know that in cases challenged under 503, 40 percent of** plaintiffs alleged that their interviews contained inappropriate questions

about disability. "Mr. Kemp, I see you have artificial arms. How do you go to the bathroom?" ("Very carefully," is my only response.)

The biggest barrier that remains today is one of attitude. We have been at that point, frankly, for as long as I have been paying attention to **these** issues. And attitude will remain a major issue, because it challenges us to our very core about how we view each other and about what goes on in our heads.

I am talking, too, about people with disabilities, and how we view each other and view people who are different from us in any way. This is a challenge to us about tolerating and accepting differences in this world. That is what it is all about. That is what the ADA is all about, and that is what I think humanity is all about. Do we respect, do we tolerate, do we understand differences in this country? Can we allow people the opportunity to succeed?

Dr. Beatrice Wright of the University of Kansas, a friend who has been at Kansas for many years, has talked a great deal about rehabilitation psychology. She has taught courses, she has written books, and she was making waves and saying the right things long before people were understanding what she was saying. Yes, she focused on people with disabilities, but she cared a lot about what was going on in the minds of non-disabled individuals as we interacted with people with disabilities. I like to talk about her theories, because I have never heard any better.

Her first theory is the theory of "spread phenomenon." This says that **able-**bodied individuals, when confronting persons with obvious disabilities, tend to think of them as less intelligent or more severely disabled than they are. Those of us who have disabilities see this attitude all the time.

Think about television. In the last five or ten years we have come light years in incorporating people with disabilities into television programming, from "Ironside" to Chris Burke on "Life Goes On." Now we almost take it for granted that disabled people are properly placed as part of the fabric of America as depicted on TV.

But in 1965 we had Ironsides, such an atypical disabled individual. He had a van that voc-rehab didn't pay for! He was independently wealthy! I told you how pathetically poor people with disabilities are: Ironsides took \$1 a year to be the police commissioner. He had an African-American gentleman pushing him around in his wheelchair because he got too heavy or, for some reason, he just refused to push himself around. That didn't do a lot to help us in those times, creating stereotypes we didn't need. And all the crimes on the show were committed in an accessible environment! Ironsides always got there! You had to feel sorry for the guy who had to pull him up those flights of stairs. Imagine the script writers deciding, "Well, let's drop the victim by the elevator so Ironsides can get there."

Two of the five top movies recently were “My Left Foot” about Christie Brown, a person with cerebral palsy, and “Born on the Fourth of July.” That is a tough movie, but it is good, it is accurate, and it depicts what is going on in our lives. I recently saw “Coming Home,” a powerful movie that actually talks about sexuality and disability. It is part of our lives.

Think about how important it has been for children with disabilities to be placed into the regular school system. I have a step-daughter named Shannon, who is 23. When she was in seventh grade, she came home after her first day at school and said, “There’s a girl who has cerebral palsy in my class!” I said, “Great! This is what’s supposed to be happening in the schools.” But Shannon complained that her speech teacher had assigned everybody to give a five-minute speech, while the girl with cerebral palsy could talk for as long as she wanted to talk. I told Shannon, “That’s accommodation. It is very appropriate.”

When the girl’s turn to make her speech finally came, she talked about the fact that this was her first year in a regular classroom setting. She lived five blocks from a school in Overland Park, but she had been bused to the Delano School for the Handicapped in downtown Kansas City and back, one hour every day each way.

She went on to say, “I’m happy to be here. I play with all you kids in the summer and after school, and I’m finally in the school where I belong.” She explained exactly what cerebral palsy is. “If I need help, I’ll ask,” she said. “If you see I need help, you offer. For example, I need help getting my books out of my locker.” And she gave them all the information they would need to understand her and accept her.

Who benefits from integration, whether it be African-Americans, women, people with disabilities, whomever? We all benefit from integration. I am not worried about that young lady with cerebral palsy knowing how to get along in her life, because she knew what it took to take responsibility for herself. And I am not worried about those other kids in her classroom, because she was smart enough to take advantage of an opportunity to educate them.

Five or six years ago, Canadian educators did a big study of our education laws, trying to figure out how to achieve some of the successes we had achieved here in the United States. The investigators’ whole study cooked down to seven words: “extended close contact among equal-status peers.”

When you put disabled students with non-disabled students, they will learn from each other, they will get along, and they will thrive. The same holds true in the workplace. You can run disability awareness training programs, and they are very helpful. But **nothing** works better than integration, placing people with disabilities into real jobs.

I know a little bit about being a “poster child,” because I was the Easter Seal national poster child in 1960. It was the only year of my life that I wore

Bermuda shorts, and I don't have the nicest legs, unless you like knotty pine and the glint of steel.

The poster issue poses a dilemma. We are in the business of human development. We cannot and will not exploit people. With posters, whom do we sell? What do we sell? How do we sell it? If posters portray only children and don't show disabled adults being responsible and participating in all life has to offer, people will think poster children never grow up!

Wright's second theory is the theory of "avoidance and transference." Children confront us head-on about our disabilities, but adults avoid us. They walk by us whistling, or they look to the side. After I pass a stranger on the street, I sometimes turn around and find that person scrutinizing me. If I say, "Hi, how are you?" they are dreadfully embarrassed at having been "caught" looking at me. Well, guess what? We, too, look at people who are different. We look at unusually tall, short, fat, beautiful, and ugly people. The question is, when you look at someone, does your mouth hang open or do you respectfully acknowledge the difference, then look past it to see the person?

Children are brutally honest with us. They love to come up to us and ask, "What happened to your hands? Can you drive a car? Can you play basketball?" All we have to do is answer the questions, and it usually goes pretty smoothly. But if mom happens upon this, she is horrified. She grabs the kid's head and rotates it 180 degrees, making the kid an instantaneous quadriplegic, which we don't need any more **of!** Then she starts admonishing the child, "No, no, no, no, no." And we wonder where the negative attitudes come from!

This is a good example of who has a handicap and who has a disability. I have a disability, but a handicap is something external to me. It is that mother's fear of offending me or scaring her **child**. It is a doorknob I can't turn, especially after eating Kentucky Fried Chicken. It is a curb that doesn't have a curb ramp. If I am using my chair, the handicap might be someone else's negative attitude.

A negative attitude becomes a transference if you are interviewing someone with a disability and you start to acquire that person's disabilities. "Now, you'd have a hard time flying if you're using that wheelchair, wouldn't you?" All of a sudden, you are visualizing yourself performing that job, and you have "put on" all my disabilities. When I start hearing questions like that, I **realize** the interviewer is not comfortable and has not received sufficient training in this area. Sensitivity to disabilities is an area for training, believe me.

Last is Wright's theory of "territorial behavior." As long as we maintain architectural and communication barriers in this country, we will relegate people with disabilities to a secondary role in the dominance hierarchy. There are a lot of people who really like to do things for us, and there are a

lot of us folks with disabilities who like people to do things for us. It is a lot easier if I stay seated here and somebody fetches me things.

Let us assume that you went skiing in Colorado and tore up your knee. Somehow on Monday morning you get out of bed, take a shower, and go to the office. You are on crutches. You have a thousand people dropping by your office offering to help: "We'll get you lunch: no problem: we'll take care of things for you." It's wonderful. By Wednesday, 10 people are dropping by. By Friday, you are out in the hallway in your chair saying, "Hello? Somebody help me!" For able-bodied people, it is kind of a pain to keep dealing with you. You take more than you give.

That is what it is like to have a severe disability, except that it goes on and on. The social contract that exists must be this: I thank you for the service you give to me, but I will not and cannot let you take control of me. I cannot let you dominate me.

There are people who like to do that, who like to take control of us. They want to be in charge, but we have to maintain our dignity. We have to establish the ground rules. That is our job, to preserve our own integrity. If we want the free and full participation of people with disabilities in this country, the barriers must continue to come down.

EMPLOYMENT PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT

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Good morning. I would like to thank Mo West for her very kind introduction, and also Rich Meyer at the University of Kansas and **Marci** Adler of Senator Dole's staff for extending me this invitation. I am delighted to be here.

My discussion will be limited solely to the employment parts of the Americans with Disabilities Act (ADA). But as you know, the law is much broader than that. It covers all state and local governmental services, public accommodations, and telecommunications. As you probably have seen on the news, the portion of the ADA pertaining to public accommodations and government services went into effect on January 26, 1992. The part of the Act that pertains to public and private employers goes into effect July 26, 1992, for employers with 25 or more employees. On July 26, 1994, after a two-year phase-in period, it goes into effect for employers with 15 to 24 employees.

The Equal Employment Opportunity Commission (EEOC) is the federal agency in charge of enforcing Title I and providing technical assistance. Mo West was kind to give me credit for drafting the technical assistance provision, but it was done by Senator Dole and it is a very important part of the law. Our basic assumption is that employers want to comply with the ADA. Our obligation is to get the word out and to provide the education and technical assistance to make voluntary compliance possible.

We have done a number of things in that regard. On January 27, 1992, we issued an extensive technical assistance manual that explains, with many examples, the employment requirements of the law. It also contains a resource directory of national non-governmental organizations, as well as federally and publicly funded organizations, that provide services and assistance to people with disabilities and to employers dealing with employment-related issues and disability. To get a free copy write to EEOC, 1801 L St. NW, Washington, D.C. 20507. The government printing office will have copies for sale as part of its subscription service. We are going to update the manual at least twice. If you get it from the commission you will

receive the updates for free, and if you buy it from GPO you will get the updates as well.

We also have an ADA toll-free help line, 1/800/669-EEOC. If you use a TDD, the number is 1/800/800-3302. You can call to request publications or to ask questions about ADA. We have implemented a speakers bureau, through which we have made more than 500 presentations on the ADA to disability groups, employer groups, and trade associations.

Our approach is first to educate; second to conciliate; and third, when disputes arise and all else fails, to litigate.

What are we hearing from employers about this new law? Well, one of the things we hear is disbelief. Not long ago I got a call from a lawyer in Texas. He said he was having problems getting one of his clients to take steps to comply with the ADA, and he begged me to talk to the client. He put his client on the phone, and these were his words: "I've got a lot of questions, but they really just boil down to one: Are you really gonna enforce this ADA thing?"

The answer is yes! The Americans with Disabilities Act was not dreamed up by some crazy-fool bureaucrats in Washington. It was the result of a **year-**and-a-half-long process in Congress: it was passed overwhelmingly by Congress, and it was supported by the president. It is a carefully conceived bill aimed at dealing with a very serious problem: that two-thirds of people with disabilities between 16 and 64 years of age aren't working. We spend hundreds of billions of dollars a year on government programs, mostly benefits, to support these people, and we cannot afford that any more. The ADA is one piece of the puzzle to try to turn that around, to give people with disabilities the opportunity to be full, contributing, self-supporting, independent members of society.

Another thing we are hearing from employers is fear. They wonder what ADA is going to cost, and they complain that it is too vague. In response, all kinds of consultants and lawyers are peddling their services, claiming to be instant ADA experts. They all have something to sell, and ADA consulting is becoming a new cottage industry. To sell their wares, these people have to sell fear. Well, folks, you don't need them. The ADA is not bad, and it is not hard.

Let me present a couple of principles to help you understand your rights, as well as how to be in compliance with the ADA. The first principle is that this law protects people with disabilities who are qualified. The **first** rule of any employer, I assume, is to hire the best-qualified people, and that is what the ADA is about. **Let** us assume you are hiring a secretary and you want him or her to type at least 60 words a minute. If you have a non-disabled applicant who types 75 words a minute and a disabled applicant who types 65 words a minute, you hire the best-qualified person. In this case, it would be the non-disabled applicant. The ADA does not create a preference to hire

a person with a disability. If you have two applicants with the same typing speed, one with a disability and one without a disability, you are free to hire the non-disabled person. What the ADA prohibits is refusing to hire qualified disabled people simply because they are disabled.

An employer can establish physical and other job qualification standards under the ADA. But if the employer has a physical standard or another job qualification standard, and that standard screens out people with a disability because of their disability, the employer must be prepared to show that the standard is related to the job and necessary for the business.

The ADA **also** recognizes that disability can affect ability. A person with a disability may do a job in a different way than it customarily is done. For example, I'm up here giving a **talk**. I'm a blind lawyer. I don't read a speech and I don't read notes. Instead, I have my notes on a little dictaphone tape recorder. That is my accommodation: that is how I am able to give a talk. The ADA says that if an employer can make adjustments, changes, or modifications that would enable a person with a disability (who meets all the other qualifications) to do a particular job, the employer should make those adjustments, changes, or modifications-unless it would impose an undue hardship on the employer.

The last principle is not to overreact to disability. It is a safe rule of thumb, outside of the area of accommodation, to treat applicants and employees with disabilities just like any other applicant or employee. People with disabilities really aren't any different from anyone else. Unfortunately, employers frequently overreact to a disability and assume that the disability has a greater effect on the person's life and abilities than it actually does.

Studies of employers who contract with the federal government have indicated, for example, that 50 percent of their employees with disabilities do not need accommodations. I think we forget that, in many cases, no changes have to be made for a person with a disability.

Many employers say, "We want to work with people with disabilities, and this law is fine. But it's too vague. You should give us a cookbook, or at least a recipe, that will tell us what accommodation to make for each disability and what constitutes an undue hardship."

Well, there is a problem with the cookbook approach: We are not talking about baking cakes! People with disabilities are individuals; they have individual abilities and individual limitations. They come in groups of one. And every job has unique requirements, uses a particular set of equipment, has particular furnishings, and exists in a particular work environment. Accommodation is about matching a particular person and a particular job.

We can't give you a recipe for that. Nobody in Washington, D.C., or anywhere else is smart enough to do that. So the ADA focuses on flexibility. It asks employers to consider seriously each person with a disability and

determine that person's qualifications to do a particular job and to make accommodations for that individual, unless for that employer it would be an undue hardship. And that is why the ADA adopts a case-by-case approach.

Let's get to some of the specifics about what the law does and does not require. First of all, who must comply with the **law**? Beginning July 26, 1992, the law covers private and public employers who have 25 or more employees. It also covers labor organizations, employment agencies, and joint labor-management committees, as well as the agents of those entities. Beginning in 1994, the law covers employers with **15** to 24 employees.

You might be interested to know that, according to the **1980** census, **85** percent of all employers in the country have fewer than **15** employees. Your barber shop, your beauty shop, your laundry, and other small businesses are not covered by the employment part of the ADA. (They are covered as "public accommodations" and may not discriminate against customers and clients with disabilities.) But the 15 percent of employers who are covered employ about 87 percent of all employed Americans.

Who does the Act protect from discrimination? The ADA has a broad, **three-part** definition:

The ADA protects people who have a physical or mental impairment that **substantially limits** one or more of their major life activities, such as walking, seeing, hearing, learning, taking care of oneself, performing manual tasks, or working. Things that everyone does every day are major life activities. The impairment either prevents them from doing one of those things or makes one of those things unusually **difficult** to accomplish. All the disabilities we commonly think of are covered, including HIV disease and AIDS, and people with alcoholism and mental or emotional illness.

The ADA protects people who aren't disabled by physiology, but who are disabled by social attitudes. This includes people who had a disability in the past, and recovered, but whose record haunts them and is used by employers to exclude them. For example, consider a man who had a cancer that is in remission. If a prospective employer refuses to hire that man because of the cancer, even though he is perfectly qualified to do the job, he is protected by the ADA.

The ADA also protects people who are **regarded** as having a disability. The reality is that many people have impairments that aren't disabling, but employers overreact to the impairment. For **example**, a woman might have a limp that doesn't substantially limit her ability to walk. But an employer observing the limp frets that "This looks serious: this might get worse; I'd better not hire her." That employer is regarding that woman as having a disability, and she would be covered under the Act.

If a man has a serious facial scar, and the employer says, "I am sure you can do the job. But my customers, my clients, and your co-workers won't

want to work with you because of **that** disfigurement,” that person is covered.

If there is a false rumor going through the workforce that a particular woman has AIDS, and her employer fires her, she is regarded as having a disability and is covered under the Act.

The ADA covers and protects from discrimination persons who don't have a disability but who are discriminated against because they have a relationship or an association with a person who has a disability. Discrimination is very common for people who have a disabled spouse or a disabled child, or who work in an AIDS hospice.

Under the ADA, “qualified” means two things: First, the disabled person must meet the education, experience, skill, or other job-related requirements an employer has established for a job. Second, he or she must be able to perform the essential functions of the job, with or without a reasonable accommodation.

The education, experience, and skills part is not complicated: employers do it every day in assessing qualifications. But the issue of essential functions is a little more complicated. Why did Congress say that people are **qualified** if they can perform the essential functions, but not all other parts of the job? Why not require them to be able to perform the **whole** job?

The reason is that many people with disabilities are excluded from jobs they can perform, simply because of some marginal task they can't perform. One celebrated case involved a man with epilepsy who had years of experience as a volunteer job counselor at a school for troubled adolescent boys. He was highly skilled.. But because he had active epilepsy, he couldn't possess a driver's license. The school insisted that, to be hired for pay, a counselor must have a driver's license. The man sued under the Rehabilitation Act, and the court determined that having a driver's license was not an essential function of being a counselor. The court ruled that the school could not exclude the man from employment because his epilepsy precluded him from the marginal function of occasionally driving a car. That standard was transferred into the ADA.

There are two keys in determining whether a function is essential. First of all, it has to be performed. If the employees doing a particular job don't actually perform a function, it is pretty hard to say that function is essential.

Second, what are the consequences if the function is **not** performed? The ADA considers factors such as the amount of time spent performing a function and the consequences of not performing it. Take the example of airline pilots, who don't spend much time taking off and landing. But it would be hard to argue that takeoffs and landings are not essential functions of the job. Firefighters don't spend a lot of time carrying people

down ladders and out of burning buildings. But rescue is an essential function of being a firefighter.

Congress made it clear that in determining what is an essential function, the employer's judgment must be considered, as well as job descriptions prepared before the position has been advertised or interviews conducted. The ADA does not defer to the employer's judgment, but it is part of the picture.

Now let's talk about job descriptions. As part of the cottage industry of ADA consulting, there are a lot of folks going around selling "**ADA-proof**" job descriptions. The ADA does not require employers to have job descriptions, but job descriptions are one way for employers to establish on paper what they view to be the essential functions of a job.

Some employers and some management lawyers argue against job descriptions, because they frequently are not accurate. If your job has one, take a look at it when you return to the office. Ask yourself whether it reflects what you do. I will bet that in most cases it does not. After all, job descriptions frequently are written for reasons having nothing to do with describing the job. And even if a job description is accurate when it is written, nobody's job stays the same.

If you are going to use job descriptions, you must make a commitment to update them. If your job descriptions become out-dated and then exclude applicants because they can't perform a task-which is listed in the description but which they wouldn't actually have to perform-you will get into trouble. Job descriptions are definitely a double-edged sword. I am not telling you to use or not use them; I am just telling you to be aware of the pitfalls.

Another part of the "essential functions" issue is its effect on so-called "non-traditional" jobs. What about quality circles? What about team jobs? The ADA says people with a disability have to be able to perform the essential functions of the job held or desired. It is the employer who creates and defines the job.

Let me give you a far-out example. Suppose an employer had two jobs, one for a tractor operator and another for a lawyer. Suppose the employer, for whatever reason, decides to combine those two jobs. The employee arrives in the morning in a business suit and does legal research and advising. At noon the employee gets out a lunch bucket, changes into overalls, and hops on top of the tractor. Personally, I think that would be a good idea for a lot of lawyers.

Now let's say a man with a disability applies for this new hybrid job of lawyer/tractor driver. His disability prevents him either from being a lawyer or from being a tractor driver. He says, "Look, I can't do both jobs. Obviously, one of these jobs is an essential function and the other is not."

But the ADA does not prohibit employers from using non-traditional ways of grouping tasks into jobs. Obviously, you cannot transform a job at the last second just because you see a person with a disability coming in the door. But you can define jobs the way you need to define jobs. You are not limited to traditional job definitions.

I said people are qualified if they can perform the essential functions of a job with or without reasonable accommodation. But what is reasonable accommodation? The ADA includes a laundry list of examples: making a facility accessible to a person with a disability: job restructuring: **modified** or part-time work schedules: providing or modifying equipment or devices: modifying training materials or policies: reassignment to a vacant position: and providing qualified readers or qualified interpreters.

That list is not exhaustive. An accommodation can be a change or a modification to provide an equal opportunity to participate in the application process—for example, providing an interpreter for an applicant who is deaf during a job interview. It can be a change or adjustment to enable a person with a disability to perform the essential functions of a job. It can be a change or adjustment to enable a person with a disability to enjoy equal benefits or privileges.

Suppose an organization has a lunchroom that is not accessible to all disabled employees. One accommodation would be to install a ramp by the steps into the lunchroom, so a person using a wheelchair can have lunch there with his or her co-workers. If that would pose an undue hardship because an extraordinarily costly structural renovation would be required, another accommodation would be to provide a lunch area that is accessible and large enough for a disabled employee to eat there with co-workers.

Now, let's look at who is eligible for accommodation. First, the person must have a disability.

Second, the need for the accommodation has to arise **because of the disability**. **You will** note I gave the example of reassignment to a vacant position. Suppose I say to my boss, "Look, I am working in Washington, D.C. We have a vacant position in our Miami office, and I'd like you to reassign me there. I'm blind, I'm doing a hell of a job, and reassignment to a vacant position is an accommodation. I want my accommodation." Well, guess what? That is not required, because there is no relationship between being blind and moving from Washington, D.C., to Miami.

Third, the person seeking the accommodation must be **qualified** for the job and meet all the requirements for the **job—except** any requirement he or she cannot meet because of the disability. That is where the accommodation comes in.

Fourth, the employer must know that the person needs an accommodation. Employers don't have to be clairvoyant: their duty is to accommodate the

known physical or mental limitations of a qualified person with a disability. Therefore, in most circumstances the person with the disability has to request the accommodation before the employer has any obligation to provide an accommodation.

One sort of accommodation involves changes to a building or structure to make it accessible. In the employment part of the ADA, this refers to making a modification that meets the needs of a particular applicant or employee. Another part of the ADA, Title III, has more extensive accessibility requirements that apply to new buildings. Newly constructed commercial buildings to be occupied after January 26, 1993, and for which the last building permit was issued after January 26, 1992, must be fully accessible in accordance with ADA accessibility guidelines. If you are renovating an existing commercial building in a manner that affects its usability, the area you renovate, and in some circumstances the path of travel to that area, has to be fully accessible according to the same guidelines.

The employment title focuses on the individual. Let me give you a practical example. Let's say you have a brand new building, constructed in accordance with all the accessibility requirements of the ADA. The bathrooms have wide stalls and grab bars at the height designated by the architectural requirements. But let's say you have an unusually short employee who uses a wheelchair, and that person cannot use the grab bar to transfer from the wheelchair onto the commode. The accommodation would be to lower the grab bars or put in another set at a lower level. That **is** the individualized approach.

People frequently raise questions about other types of accommodations, such as reassignment to a vacant position. Reassignment applies to a person who already is an employee. The employer's first obligation is try to accommodate the person in his or her current job. If that is not feasible, or if it would create an undue hardship, the employer should investigate whether there is a vacant position for which the employee is qualified. The employer is under no obligation to create a position or to promote the employee to a higher-paying job. If possible, reassign the employee to a job that pays his or her current salary. But if no position is vacant at the same salary, or if the employee cannot work at that skill level, reassign the employee to a lower-paying job and pay the going wage for that job. The employee must be qualified for the position to which he or she is being reassigned, but some additional form of accommodation may be necessary.

Job restructuring includes exchanging marginal job functions. If a woman with a disability cannot perform a particular marginal function, she can trade that function with a non-disabled employee and take on that employee's marginal function. In that way every employee is performing essential functions and marginal functions, but you are making adjustments in what those marginal functions are. You may change **how** a job is done, including the equipment and location. You may change **when** a

particular function is performed. But you do not have to **eliminate an** essential function.

Can leave of absence ever be a reasonable accommodation? Absolutely. It may be a reasonable accommodation to allow a man with a disability to use accrued leave for medical or other services, when you normally wouldn't allow that-if it does not pose an undue hardship. It may be a reasonable accommodation to provide additional unpaid leave, but the ADA does not require employers to provide extra paid leave to a person with a disability.

The ADA has specific requirements with respect to tests and examinations for people having impaired sensory, manual, or speaking skills. If an applicant is blind or has dyslexia, and you are giving a paper-and-pencil test, you may have to provide the test in Braille, furnish a reader, and allow extra time. Your goal is to test the particular aptitude or skills the test is aimed at; you are not testing the disability. Your application form may indicate that a test is part of the application process and ask applicants to identify any accommodations they may need for the test. You also may require that applicants provide documentation of that need.

The duty to provide reasonable accommodation is limited. An accommodation does not have to be provided if it would pose **significant** difficulty or expense in light of the employer's resources. Many employers want a numerical formula or standard, but Congress twice rejected that approach in favor of the case-by-case approach that looks at the employer's resources and the net cost of the accommodation. I say net cost because there are tax deductions and tax credits available for reasonable accommodation.

Let's look at selection procedures. Congress recognized that, in the past, employers looked at applicants' disabilities, not at their abilities. So the ADA puts restrictions on hiring procedures, and divides the hiring process into three steps:

- What you can do before you make an offer:
- What you can do after you have made an offer but before the hiree starts working;
- What you can do after the hiree comes to work.

Before the offer, you cannot ask whether an applicant has a disability. You may not ask questions such as, "Have you been hospitalized in the last two years?" or "Do you have epilepsy?" If you have those questions on an application form, they have to come off.

You can ask about all job functions: "This job requires **X, Y, and Z**. Can you do it with an accommodation?" You can ask applicants to explain or **demonstrate how they would do a job. We put that in the regulation for the** sake of employers who fear that an applicant may not be able to perform a given job because the disability interferes, or appears to interfere. You can

say, “Tell me how you would do the job,” or “**Demonstrate** how you would do the job.” If you ask for a demonstration, you must provide needed accommodations or permit the applicant to explain how he or she could do the job with an accommodation. Again, the focus is on the applicant’s ability, not on the disability.

After the person is hired, you can make medical inquiries if the information you seek is job-related. If you have an employee who is doing **fine**, you cannot ask him to undergo physical exams unless they are required by federal or state law. OSHA, for example, requires monitoring of lead levels for employees working with lead. If the employee is doing a good job, that is the best standard as to whether he is qualified. But if he is having problems on the job or is injured on the job, you can require a medical exam.

Not long ago the **Wall Street Journal** ran an editorial about workers’ compensation and the ADA, and the New **York Times** carried a big story about how fraud is rampant in workers’ compensation. Let me assure employers that the ADA is not going to increase workers’ compensation costs. For one thing, not every person injured on the job automatically has a disability. If an employee falls from a ladder on a construction job and breaks his leg, that results in a temporary disability that heals in a reasonable amount of time and is not a chronic condition. That broken leg is not a disability under the ADA.

After making a job offer, you can ask whether the hiree has disabilities that will affect the ability to do a job. You can require medical examinations, as long as you require them of all hirees in that job category. You can ask about the hiree’s workers compensation history, but you cannot screen people out, unless you are screening them out for reasons that are **job-related**, necessary for the business, and you have considered reasonable accommodations.

If you can show that hirees would pose a significant risk of substantial harm to the health or safety of themselves or others, you can screen them out, but that is a stringent standard. You have to make an assessment of each person. You have to use the best, most current available medical information. You have to look at the person’s present ability to do a job. And then, even if there is a significant risk of substantial harm, you have to consider accommodation.

For example, you cannot have a hiring standard saying that nobody with epilepsy can work in the construction trade as a roofer. Instead, you must look at each applicant. Is he still having seizures? How frequently? Does he have an aura, a warning before the seizure? Does the seizure cause him to lose consciousness? If he takes medication, what are its side-effects?

Too often, people with disabilities are screened out because of employer myths or fears about safety. That will not be permitted under the ADA. But an employer will be able to exclude somebody when there is an actual,

direct threat to the health or safety of the individual or others. That provision protects employers from workers' compensation liability.

Employers also can refuse to hire somebody who makes a knowingly false statement to a lawful question on an application form. As an example, an employer, post-offer, could ask all applicants whether they have ever **filed** a workers compensation claim. An applicant answers "**no**," but you discover she or he has **filed** 15 claims in the last two years, all of which have been denied. You can **fire** this person without being guilty of discrimination on the basis of disability.

The ADA does limit the disclosure of medical information from medical examinations and inquiries. You must keep that information confidential and in separate files, not in the personnel file. You can disclose it only to managers and supervisors when a particular accommodation is required, to safety officials when emergency treatment might be necessary, to government **officials** investigating compliance, and to second injury funds for the purposes of insurance.

There is a great deal of concern about the ADA and insurance. Insurance is covered by the ADA under Title III, but the ADA is not a vehicle to mandate some kind of national health insurance. Congress put a limitation on insurance in the ADA, saying to the insurance industry and to employers, "You can use standard insurance **classification** practices that are consistent with state law or ERISA, as long as they are not used as a subterfuge to evade the purposes of the ADA."

Employers can continue to have health insurance plans with preexisting condition exclusions. Insurance plans can limit the number and types of treatments, such as blood transfusions. That might affect negatively a person with hemophilia, for example, but it will be lawful under the ADA as long as it is applied across the board.

It is not yet clear what caps or limitations can be put on particular conditions. What about caps related to expenses caused by AIDS? What about limitations related to treatment for alcoholism? We are looking at these issues: we want to try to provide some guidance in this complex area. Congress clearly did not intend for us to regulate the insurance industry, so we are trying to prohibit discrimination and, yet, adhere to Congress* intent that insurance should continue to be regulated by state law.

Finally, a few words about enforcement. The ADA permits people with disabilities to file charges of discrimination with the Equal Employment Opportunity Commission from 180 days to 300 days after an alleged discriminatory action. People can also file with a state human rights or fair employment agency, and we will have work-sharing agreements with many of those agencies in the future. The first step **will** always be to file a charge, because administrative exhaustion is required. If someone files a charge with the EEOC, the Commission will investigate the charge. If the

Commission **finds** reasonable cause to believe there has been discrimination, it will attempt conciliation. If that fails, the Commission can consider litigation. A person with a disability also has a right to go directly to court after filing a charge and receiving a “right to sue” letter from EEOC.

Congress recently changed the law and passed the Civil Rights Act of 1991. One of the principal changes was to add new remedies. In the past, the only remedy for a violation under Title VII—which prohibits discrimination on the basis of race, color, sex, national origin, and religion—was back-pay, reinstatement or hiring, prohibiting the unlawful practice, and attorneys’ fees. Now people with disabilities will be able to receive compensatory and punitive damages, and they will have the right to a jury trial. But the Act sets caps on the total amount of damages, depending on the size of the employer. The maximum amount of damages is \$300,000 for larger employers, and the cap goes down to \$50,000 for smaller employers.

OPPORTUNITY AND THE DISABILITY ISSUE

Larry Burd

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Wichita, Kansas

Good morning. It is really a joy to be here and share with you some of our thoughts on opportunity and the disability issue. It occurred to me that discussing this issue with service providers is like the minister preaching to the choir. But I finally decided that the best thing I can share with you is what has worked for us at Kreonite. I would like to share some of the things we have accomplished, some of the lessons we have learned, and some of the challenges that remain before us.

Kreonite, a small, family-owned Wichita manufacturing company, was started 36 years ago by Dwight Krehbiel. The company builds photographic and graphic arts, film, and paper-processing equipment. The equipment is distributed worldwide through our dealer structure and is used primarily in professional photo-finishing labs by the government and by the military for professional photographic applications. We have been involved in some interesting projects many people are not aware of, such as producing the computer digitally-enhanced images that have come back from the Mariner space probe and processing the animation for the Walt Disney movie "Tron." Our latest exciting project was to provide equipment in support of the Desert Storm operation. Our normal lead time is around eight weeks, and they needed processors over there in two weeks-a feat we were able to accomplish.

At Kreonite we do injection molding, rotational molding, rim or **reaction-**injection molding, vacuum forming, and pressure forming. We build all the tooling for those operations. We build all of our woodwork in the form of base and wall cabinets, countertops, and sinks for laboratory finishing facilities. We do our own sheet-metal work and electronics. Our equipment is computer-controlled, and we design the hardware and software to operate the equipment. We do 90-95 percent of the process of manufacturing our equipment in-house. Thus, we have a tremendous diversity of jobs for people to do.

Nineteen years ago, we hired our first person with a disability from the Kansas Elks Training Center. That person is still employed by Kreonite. Seventeen years ago, we hired our second disabled person, who also still works for Kreonite. In the following 10 years we placed and trained more than 30 people, and we had very little success in retaining them. Unfortunately, it took us 10 years to realize that to be successful at employing people with disabilities, you must focus on their abilities. We

spent too much time focusing on what the disabled employees could not do, and in isolating them and trying to manage them differently than **able-**bodied employees, and we failed miserably.

I wanted to mention this to show that we certainly do not have all the answers. Nevertheless, we had to start somewhere, and we have learned some things in the intervening years.

About five years ago, our management team set some goals for our company: reduction of employee turnover, improvement of productivity, and improvement of product quality. In 1985, we employed 579 people and our turnover was close to 32 percent of our workforce per year. At that time, we decided to attempt again to place, train, and retain people with disabilities. To accomplish that we worked with the Kansas Elks Training Center, which brought an enclave of eight employees and a job coach into the plant.

First, however, we held plant meetings with all employees. We explained that, because of turnover problems, we were going to attempt this means of retaining productive capacity. My initial fear was that our employees would perceive this as a means of replacing them with lower-paid workers. Entirely the opposite happened, and the existing core of employees became extremely supportive of the program.

The second area we addressed was productivity improvement. In 1985 the company, with its 579 employees, was doing under \$10 million in business. Today we have 209 employees and we are approaching \$20 million. That is a tremendous improvement in productivity, with an increase in employment of people with disabilities from about 2 percent of our workforce in 1985 to 16 percent of our workforce today.

The third critical area was product quality improvement. When we initially came out with computer-controlled products, we learned some hard lessons about radio frequency interference and the effect of remote phones used around non-isolated computers, radar stations, and police radio transmitters. It is difficult to sell a product if, when airport radar comes on close to a lab, the machines start running backward. It took tremendous effort to resolve these problems. But as of today, we have reduced our warranty expense by about 87 percent.

We have made some significant accomplishments, but I don't want to imply that the people with disabilities in our workforce are totally responsible. They were part of the team, and they made a positive contribution toward those accomplishments.

I want to share some of the lessons we have learned over the years, the first of which I have already mentioned: that the essential component of successfully employing people with disabilities is **focusing on ability**. Management has to accept the responsibility of providing employees,

whether able-bodied or disabled, the wherewithal to accomplish the tasks required in the appropriate time, quantity, and quality.

When we started our program with the enclave of disabled workers, we accepted without question the evaluations provided by external agencies with regard to each employee's productive capacity. If we were told that an individual could produce at 50 percent capacity, we assumed we should put two people on the job. That turned out to be absolutely wrong.

We found out that we must, as management, provide the resources, in the form of accommodation, tooling, lighting, or communication, to enable employees to accomplish their tasks. Using that approach, we have yet to **find** a task that could not be accomplished by a person with a disability. In some cases, by determining an employee's strengths and **fitting** the job to those strengths, we have been able to enhance the productivity of that individual. That has been an important aspect of our ability to realize optimum productivity.

We have a young employee named Karen who came to us through the Helen Keller Institute. During the course of her three-year rehabilitation at the Kansas Elks Training Center, she had been evaluated as not capable of competitive employment. She did not have prior work experience. But we felt the key was to provide the opportunity for her to demonstrate her abilities.

One day early in Karen's employment, before we could communicate with her, I went into the final assembly area. Karen waved at me and held up a bolt. I thought she was out of that part, so I took a box of the bolts to her. However, she made me understand that the bolts she had been given were the wrong bolts for that assembly. She had realized that long before I did.

In the course of discussing Karen during a meeting with service providers, one of them pointed out that Karen has a TDD system at home and can use a keyboard. "Why don't you put a word processor on the line for her and communicate with her in that way?" she suggested. We did so, and Karen immediately was able to perform at full capacity.

Employing disabled people can have carry-over benefits, too. Karen, for example, lacked average hand strength and dexterity. She was not able to use manual screwdrivers and hand tools adequately, so one of her peers on **the** line suggested giving Karen a battery-powered screwdriver. It worked so well that everybody else in the plant requested one-and performed more **efficiently with** it. By accommodating a person with a disability, we helped everybody in the plant. That is the kind of benefit you can't even foresee.

We have also learned the importance of the "three C's," which we have found are essential to successful employment: commitment, communication, and coordination.

Commitment. Obviously, we had the same fears every company has with regard to the unknown. We worried about how our stockholders would react if our experiment didn't work. Just getting over that psychological hurdle was a big step. It required commitment on the part of the president of the company. It required commitment from our employees. And most of all, it required commitment from the people with disabilities. The unfortunate reality is that there are financial disincentives for people with disabilities to become employed full-time, to become payers of tax dollars rather than recipients of tax dollars. But in every case, the people we worked with *wanted* to be employed, even when there were significant financial disadvantages. In my opinion, they made the biggest commitment of all.

Communication. Karen taught us that we must address the issue of communication with hearing- and seeing-impaired employees. We sponsored voluntary signing classes within the plant, taught by an instructor from the Kansas Elks Training Center. We paid for the classes and invited people from other companies to participate. Half the classes were held on employee time, and half on company time. Amazingly, about 30 percent of our workforce attended these classes. As a result, we are slowly beginning to be able to communicate with the employees who have hearing and seeing impairments.

In that regard, **awareness** is one of the big issues we immediately faced. I will give you an amusing example. In our infinite wisdom, our data processing department presumed we could save vast sums of money by changing from the notched-corner time cards we were using to rectangular, color-coded paper time cards. We didn't think about blind employees. Bather than one card with a comer notch to get into the time clock, they now had to deal with five cards that were color-coded! They couldn't tell which day was which, much less how to put the cards into the time clock correctly. Our managers didn't mean to be thoughtless: they just weren't aware.

Once you develop awareness, you begin to give disabled employees the means to handle their paychecks, clock out, and do the things required to be successful on the job. Awareness leads to simple adjustments, such as tape Braille encoders to mark tools, **fixtures**, and work orders. These are very inexpensive accommodations.

By the way, our cost for disability accommodations at Kreonite has been far less than our cost for OSHA compliance. Don't be concerned that you can't afford to comply with the ADA. You can't afford **not** to. The dividends you will gain far offset any costs for accommodation. If you use cost as a reason not to employ people with disabilities, you will short-change yourself and your company. You will pass up people who would stay with you, do **high**-quality work, and be loyal employees,

Coordination. As a small company, we did not have adequate internal resources to give people with disabilities the capacity to be successful

employees when external circumstances were an issue. I am referring to supported living; transportation (where do you catch the bus, where do you get off, what time do you get on the bus); depositing paychecks; buying groceries; all the things that externally influence successful employment. So we coordinated with outside agencies to address those issues. Now, as a result of in-house classes on managing with diversity, we are learning to manage in a productive manner. There are tremendous resources available in this state, and in all states, to help small businesses learn to accommodate disabled employees. And it is important to utilize them.

We have found that to determine a person's strengths, sometimes you **first** have to provide the opportunity for employment. We work with young people who in many cases do not have a prior employment history, and it is hard for them to establish qualifications. As a small company, we have been able to do that. If we decide we need more productive capacity in a given department, we hire a disabled person into that department. In some cases we have to restructure some jobs in that department to help the new person work to capacity.

Under the ADA's job description rules, technically you must establish the essential elements of the job before you determine qualifications. But we have never established a job description and then said, "I'm sorry, you're not qualified for this job based on the essential functions of the job." In fact, one of our most successful programs is "industrial evaluation," in which prospective employees work in our plant for up to two weeks to see whether the job suits them and whether we can provide the wherewithal for them to work.

Contrary to the fact that the United States seems to be in an economic slowdown, our company is busier than I can remember in 20 years. But the unemployment rate is fairly low in Wichita. (For example, we have been advertising for an injection mold set-up operator for seven weeks.) So we have instigated what we call a "special work action team."

The SWAT team consists of a job coach and five or six people with disabilities, who are on-call to do any task on which we are behind. So far, the team has come in at 7 a.m. and worked all day, every day. The team has been able to do any task in the plant that our able-bodied people are doing. To date we have hired two of those people full-time and then replaced them with new team members. We feel pretty excited about the concept, because we believe many companies would be hiring all kinds of people with disabilities-if they had the opportunity to see what disabled people could do without the liability of hiring them first.

A business person here in town recently asked me, "What about all these unemployed able-bodied people?" I responded that I don't think the objective is to hire those people over people with a disability. The objective is to

provide equal opportunity for both segments of the workforce. That is all that is being asked.

What remains to be accomplished? A key issue we see is that of career **path**. A job is the first step, but all our disabled employees have aspirations to progress in their careers. Our challenge is to provide the opportunity for them to progress.

For example, we have a young employee who runs a grinder and a milling machine in our machine shop. When he came to us, he couldn't even **fill** out the job application. He now does his own set-ups and his own inspections, and we are trying to get him into the machinists apprentice training program in Wichita. He has not been able to pass the trig part of the entrance exam, so we are providing some remedial math training. We want to help this young man become a journeyman machinist or tooler. Employers cannot presume that once hired, that is as far as these people are going. That is just not the case.

The other touchy area is ADA compliance. Peter Jennings is doing a special on the ADA with regard to small businesses and their opinion of the act. I think the consensus he will arrive at will be negative. In a meeting the other day, I heard a businessman say, "The ADA is just another case of big government intervening into the management of small businesses." Businesses often view federal legislation in that way.

But we look at the ADA as an opportunity. It is going to provide the initiative and the incentive for small businesses to utilize an untapped resource of productive capacity in this country. And that's got to be an opportunity in anybody's books. We just have to learn that, and learning is the hard part. My big concern is that we do not use the qualification issue as a reason for not giving people the chance to even start working.

Let me summarize. The big thing that we learned first was to focus on ability, not disability. We learned the importance of commitment from the management of the company, the employees in the company, and the person with a disability seeking employment.

Communication is essential. I don't mean to scare people off by suggesting that you are going to have to learn signing or install word processors on the line. I am just saying that if **you** do not develop the ability to communicate, you are going to be passing up some tremendous productive capacity.

Small businesses need to understand that there are tremendous resources available, in many cases at no expense to the company, to assist in accommodation or job restructuring. We have gotten fantastic assistance in lighting, designing ramp angles, and helping the seeing-impaired with tooling and encoding. These resources are available, and there are agencies just waiting to coordinate with us.

In most cases, had we not first provided the opportunity to determine ability, we would have missed some marvelously productive and loyal employees. This has been the Kreonite experience.

TRANSITION FROM SCHOOL TO EMPLOYMENT

Panel Members

Rutherford "**Rud**" Turnbull
Beach Center for Families and Disability
The University of Kansas
Lawrence, Kansas

Richard Mann
Director of **Information** Resources
The University of Kansas
Lawrence, Kansas

Mary Morningstar
Full Citizenship, Inc.
Lawrence, Kansas

Rud Turnbull

This conference is clearly a bipartisan effort, in three respects. First, this is probably the first time the University of Kansas and Wichita State University have joined forces. We used to play each other in football and we play each other in basketball, but it is good to meet at the Marriott Hotel rather than on the playing fields. Those of us from KU are delighted to join forces with Wichita State University in this sponsorship.

Second, it is a bipartisan effort because, although it is sponsored by the universities, it is sponsored by Senator Dole as well.

Finally, it should not go without saying that the Americans with Disabilities Act (ADA), which is the principal focus of this conference, and the Individuals with Disabilities Education Act (IDEA) themselves are bipartisan efforts. The work toward their passage was headed up in the Senate on the Democratic side by Senator Tom **Harkin** of Iowa, chairman of the Senate Subcommittee on Disability Policy, which has jurisdiction over both ADA and IDEA, and Senator Dole on the Republican side. When I was on sabbatical in Washington I worked for Senator **Harkin**, and I also worked with Senator Dole's office. So I want to thank you for coming to this exceptionally bipartisan conference.

We will begin our panel with Dick Mann. Dick is the father of a young woman who has mental retardation. **I am** going to characterize him as the "chief executive officer" for the management of the University of Kansas at

Lawrence, Wichita, and Kansas City. So Dick comes to you with two hats: an employer at the university and a consumer of services.

We met Mary Morningstar when she was a teacher of students with severe and multiple disabilities in Montgomery County, Maryland. We liked her so much that we recruited her to Kansas. She is the executive director of Full Citizenship, Inc., a non-profit corporation operating in Lawrence and Topeka. Mary will talk with you about some of the opportunities Full Citizenship provides.

Dick will provide the employer and parental perspectives; Mary the systems change and provider's perspectives; and I will talk about IDEA and ADA, and what these laws mean to educators, families, people with disabilities, and providers.

Dick Mann

As Rud indicated, I am bringing to this panel both the view of a parent and of an employer. One of my responsibilities is to oversee KU personnel operations. The University of Kansas is one of the largest employers in the state of Kansas; we have about 9,000 employees, not counting student workers. The ADA will have a significant impact on us, and we are determined to comply.

But I want to talk most about my role as a parent, both in light of ADA and in light of my daughter's stage in life. How we are going to take her from childhood into a productive adulthood is of great concern to us. And the more I learn, the more I realize I don't know, and the more services we are beginning to look for to help us make that transition.

Let me tell you a little bit about Kim. She is 17 years old. She has Down's syndrome. She is in her third year of high school in Lawrence and can read and write at about the mid-elementary school level. She currently holds two part-time jobs, one in a retail store and one busing tables in a restaurant. She likes people and enjoys socializing. We believe that with preparation she is capable of independent living. We believe she has opportunities in front of her.

Her parents have some very high expectations for her. Certainly we believe that Kim will live independently. We believe that Kim will work in a regular job and earn her keep, at least to the capacity that her skills let her. Kim should and will leave home at about the same time her brothers and sisters do, to get off on her own in the right kind of living situation.

But Kim has a number of needs that we perceive and that outsiders perceive. For one thing, she needs much more preparation for transition to the workforce. She must mature. She is still a flaky teenager. As she grows

older, she must learn not only to grow up but to perfect the skills she will need to survive in an occupational and independent living environment.

One of the big gaps we see is her need to socialize more. While she has friends who are both handicapped and normal, the opportunities for socialization, even in the school years, are not what they should be. We believe that one area which must improve is preparing disabled young people to go out into the everyday world when they leave home.

Another important aspect is role models. She needs to see older people who are handicapped, who have mental retardation, who are productive and contributing citizens in the community, who are working in regular jobs, and who are living as independently as possible. There are not enough of these role models, at least in Lawrence.

Another big problem is transportation. How can she work without transportation to and from a job that may have irregular hours? It is a major concern for us as parents and also for her as someone who eventually is going to work on a full-time basis.

We want to be sure she starts out in a position that is concomitant with the skills she possesses. We want to be sure she doesn't start out in a job that is well below her capacity, nor do we want her to go into a job she is not ready to handle. So we are concerned that the evaluation and assessment of her skills is comprehensive and accurate.

We want to be sure she is placed in the right kind of job for her interests and skills—not what we want to see her do, or what her evaluators say she can do, but something she would like to do. Her preferences have to be taken into account. We need an ongoing evaluation of her performance, so we know she is making a contribution and is progressing.

Of the work preparation experiences Kim has had in school, some of the most sophisticated occurred in her junior high school. We are anxious to see those experiences and programs carried forward to the high school **level**—but thus far we have not been pleased with the level of preparation she has received in high school. That may be unique to our situation: perhaps we are just disgruntled parents. But it seems to me that if she is spending four years in high school, and we know that she has a goal of being employed, there ought to be a more comprehensive approach in the schools to help her achieve her occupational goals. We will continue to advocate increased attention to vocational preparation.

Many of the activities we see in the schools are aimed at the lowest common denominator. The attitude seems to be, "Let's **find** something that everybody can do, so it has to be simple, in preparation for the most simplistic types of jobs." But these students may have capabilities well beyond that common

denominator level. **Raise** the bar! Challenge our students to do as much as they are capable of doing.

We believe an ongoing evaluation of occupational skills during the latter stages of schooling has to be greatly increased. These **IEPs** are wonderful, but we are not seeing the increased intensity that we feel is important as Kim gets closer to going out in the world. We have been told that she should go outside the school to receive evaluation, and that may be appropriate. But the schools can do a lot more, and we believe the schools should do a lot more.

We also believe that parents need to prepare for the transition. We are learning a lot about how to do this. After all, we had to adjust when she was born. We had to learn how to deal with a child who is handicapped. Through early intervention programs, we learned a lot. Now we have to go through a similar metamorphosis with her becoming an adult. Again, there is a great deal to learn. And the more we find out, the more we realize we are not prepared, particularly from a personal and occupational viewpoint.

Let me mention some aspects of our daughter as an employee-what I as **an** employer would look for, and what I as a parent want her to achieve.

She must be able to make a contribution that justifies her salary. She has to be able to do the job. If we expect her to join a workforce with both handicapped and normal people, we must expect her to carry her weight. I think employers would expect that, and we must expect that as parents.

She must not require extraordinary, ongoing time from management or other staff members to deal with her work or her problems on the job. And I believe that is a necessary part of the preparation before she takes a position and in the early stages of her employment.

She must be reliable. We as employers know that those with handicaps have turned out to be the most reliable employees we could have, and there is no question that reliability must be a major criterion for Kim and others like her.

She must fit in with other workers. She must be able to socialize, interact, and not stand out in the sense that she is not part of the team. Employers know it is important for all employees to work together as a team.

We do not foresee Kim living in a group home, but preferably sharing an apartment with some friends of like capabilities. We see her developing as far as she can.

When we came to Kansas 15 years ago, we fell into something we didn't expect. Our daughter was two years old and we were struggling with how to raise a Down's syndrome child. Then we discovered the programs in early intervention at the University of Kansas. We have been fortunate for a

second time, because as our daughter prepares to go out into the working world, we are finding transition programs that are being developed at KU and elsewhere to help her be a productive citizen.

Rud Turnbull

I am a lawyer and I am concerned with system change. I want to spend a moment showing you how systems change and how we use the law to accomplish change.

Dick specified what we **call** “great expectations” for his daughter Kim. Interestingly, every one of those expectations is part and parcel of federal law. The system of services for people with disability consists essentially of three parts: the schools; vocational rehabilitation services; and adult service provider agencies such as Cottonwood, Community Living Options, and Jim Blume’s program in Hays.

It is a good system, but like every other system, it is improvable. One way to improve the system is to include families such as Dick and Linda Mann, who have great expectations that rise up and bring grass-roots pressure to bear from below. Federal law, which Senator Dole has been instrumental in obtaining, applies a variety of pressures from above. So you have a vise, as it were, of parental pressure from below and federal pressure and money from above.

There are thousands of us in the “disability business,” but individually we have no strength. Collectively, we can scare the heck out of anybody. So we must have both people below and above bringing pressure to bear, thousands of points of pressure, on this three-part system.

Here is what the federal laws do to enable the systems to come up to the state of art. The Americans with Disabilities Act states that its purpose is to eliminate discrimination based solely on disability. When the bill was introduced, Tom Harkin—and later President Bush and Senator Dole—said it also has three other purposes. The first is to maximize the potential of an individual with a disability. The second is to ensure that people with disabilities are integrated into the mainstream of American life. And the third is to give them the opportunity for economic independence and **self-sufficiency**.

In 1990, the year ADA was passed, the 1990 amendments to IDEA also were enacted. The amendments state two goals, and they are almost identical. One goal is to increase the independent living capacity of people with disabilities through transition planning. The second goal is to ensure their full participation in school and community. You should begin to see a variety of very similar goals set out for people with disabilities, and they are consistent with what Dick and Linda Mann want for their daughter Kim.

Those are not the only laws that apply. Part H, dealing with infants and toddlers, states four outcomes: the development of an individual with a disability; services to the family; prevention of special education placement; and prevention of institutional placement. So we see the same outcomes expected by federal law at the earliest years, as well.

Section 504, which has been around since 1975, prohibits discrimination on the basis of disability alone. Very similar to 504, the Vocational Rehabilitation Act provides supported employment services. Again we see the same kinds of expectations.

Now, how does all this play out? Well, how many of you are family of a person with a disability? You have a role in the law. How many of you are educators in the public or private school systems? You, too, have a role. How many of you are employers? You have a role. And how many of you are adult service providers? You have a role.

And here is the vehicle by which you can exercise your role. It is called the Individuals with Disabilities Education Act. I have already told you the ADA goals, the IDEA goals, and the other federal goals. Here is what IDEA does.

At the age of 16 or 14 or earlier (we are hoping the Kansas regulations will say age **14**), a student with a disability in special education is entitled to have an individualized transition plan or ITP. It will be part and parcel of the IEP process in the public schools. The plan is a statement of needed transition services to be provided and developed by the age specified. It requires the development of that plan by the school agencies, and it requires a statement of the inter-agency linkages between the school and the adult service provider system. So now there is going to be a requirement for the schools and the adult services agencies to work closely together.

We have been doing this in Kansas, as a result **of our** own transition legislation, since about 1985. I think there will be increased pressure for the adult service system to be involved in ITP planning. The pressure may come from above, and it most certainly will come from below.

What do the transition services involve? First of all, they must include a coordinated set of activities for the student-not just one activity. If you are involved in ITP planning, one activity is not enough under the law. You must develop a coordinated set of activities that all work in sync toward the specified **goals**.

Second, the transition services must promote certain outcomes:

- **Movement.** Movement means progress into post-school activities such as post-secondary education-Wichita State University, the University of Kansas, Kansas State University. Think about people going to college.

- **Vocational training.** The law does not say “specialized” vocational training.

- **Integrated employment.** The law does not say only supported employment, it says “integrated” employment.

- **Continuing adult education.** That is what this session is. Why is it not possible to think about that outcome for people with disabilities? The law says we should.

- **Adult services.** The law does not say “specialized” adult services: it says adult services. This is a push toward integration.

- **Independent living.** That **is** what Dick is talking about for his daughter Rim. We have thought about independent living essentially as a movement on behalf of people with physical or mobility disabilities. It is that, plus independent living for people who have cognitive or emotional disability.

- **Community participation.** Regular lives in a regular community in Chase County. Bring William Least Heat-Moon back and let him write a book about the regular life of a disabled person in Chase County, and we can have a best seller about our field!

Now, this coordinated set of activities must include instruction; community experiences: the development of employment and other post-school adult living objectives; and when appropriate, based on the extent of disability, the acquisition of daily living skills. The instruction itself has to be community-based and community-referenced. You cannot have these outcomes unless the school is delivering services in the community. The segregated schools and segregated classrooms simply have to stop doing business, because we cannot have the outcomes the law mandates, through the process it mandates-which is a curriculum that is developed and referenced in the community and delivered in the community-if we continue to segregate. That is a very clear understanding of all the federal laws, particularly ADA and IDEA.

Finally, remember that the law says it is a plan for movement. I am a lawyer, and if I understand the word “movement” to mean anything, it means “progress.”

I have read ***The Board of Education vs. Amy Rowley***, the first case the United States Supreme Court decided in the area of special education law. It held that a student is entitled to an educational benefit, or else the student is being denied the right to an appropriate education. Take the test of educational benefit and put it up against the requirement of the **ITP**, and **here is my conclusion: If the student is not making progress toward the outcomes specified in IDEA and anticipated by ADA, there is a denial of an**

opportunity for an appropriate education, and a violation of the federal education law.

Why is all of this relevant to the parents, the providers, the school people, and most of all the employers? Because through the ITP process, each of you has the opportunity to participate in a process that will improve the delivery of special education services in the school and ensure, to the degree that any plan can ensure, the outcomes that ADA and IDEA say are the federal goals.

Ask yourself, are the schools in Butler County, Sedgwick County, Reno County, and Douglas County in compliance with the letter and spirit of this legislation? If they are not, you as a citizen are being short-changed. You are being denied the opportunity to give services to, and employ, very capable people who happen to have a different kind of limitation than others have.

This law opens up the opportunity for all of us to bring federal law, parental pressure, and collateral pressure to bear, through employers and through community citizens, to improve the systems we already have.

Mary Morningstar

My job at Full Citizenship is to take the great expectations of family members such as Dick and Linda Mann, and the law Rud has talked about, and ask, "How do we get there from where we are?"

I want to talk about a project we are working on in Lawrence, Kansas, in the area of transition-in particular, transition from school into employment. I am going to **tell** you about some steps we have discovered that are critical to seeing that the great expectations and the laws are implemented.

I look at transition planning as a process that takes place over time. The Committee on Developmental Disabilities, in its Policy Directions for the States, says the most innovative states envision the entire school experience as transitional. The transition starts at birth and views the purpose of education as preparing students to participate in and contribute to the community. How do we do that?

We have found in Lawrence that transition planning is not going to take place in a single IEP meeting. Families have to be informed about what is available and how to build on their great expectations. I talk to a lot of families who know what they want, but are unclear about what is available. I think that as professionals, we need to see that they know.

We have developed a planning guide to help families and professionals work together. We have developed a parent manual in which we focus on what transition means. The manual includes activities for family members,

putting a focus on what they need to know and what they should be thinking about.

The next step is partnerships. This has been essential in implementing some great expectations, and we have done this through “transition councils.” This concept is state-mandated in House Bill 2300, our transition planning law that has been in effect since 1986. It requires communities to organize toward inter-agency planning and collaboration.

Our council, which has existed for about two years, started out quite small. Our members did not necessarily start out with the same set of values. But our mission is to coordinate information about resources and needs for persons with disabilities and their families. We are devoted to supporting and promoting transition into successful employment and community living for people with disabilities.

To do that, we began with our mission and then targeted specific goals. The members of the transition council, a voluntary organization, separated into committees based on their areas of interest. The Family Involvement Committee, for example, focuses on getting families involved. We wanted to get the word out to the Manns and to the other families in our community, and that was the driving force for the development of the manual. As well, we sponsor a monthly series of workshops. The last one dealt with estate planning and guardianship, a big concern among families of disabled children. Workshops have covered such other topics as integrated recreation, inclusive education, and services available in our community.

Another major focus of our council is employment. We have organized a business advisory council. As an interesting side note, for two years we talked about doing this, but we felt we couldn't possibly approach the chamber of commerce. We had an identity crisis! Finally we said, “**Let's** just do it.”

We got together a group of very influential and concerned citizens, who have helped us focus on the best approach-determining what employers need in our community, and how we can meet some of those needs so businesses are able to hire individuals with disabilities. We are considering creating a position that will work with businesses to provide individual technical assistance.

Many employers in our community have said, “I know about the ADA, but I don't know how it impacts my business. What does it mean for me, how do I come into compliance, and how do I make the changes I need?” So we are looking at helping employers come to terms with ADA, and I think in the end it is going to be better for the entire community, including the individuals we work with,

Our transition council has evolved into a collaborative inter-agency planning council. Full Citizenship certainly is a driving force, and our values are what

we like to consider state of the art. As a council there is a lot of local ownership, and we helped bring along the individuals who may be struggling a little bit with some of the values we are focusing on.

Dick talked about his daughter's school programs. I think it is critical that school programs and curricula reflect transition planning, and that they include community-based instruction in real-life skills and vocational training. Every goal in the IEP must, in the end, reflect that outcome and that vision. If Dick has a vision for his daughter to live in a supported living situation, in an apartment with a friend, how does his IEP reflect that? Is she working on domestic skills now, so independent living can be within her capability when she graduates?

He talked about the need for his daughter to have more socialization. The number one cause of job termination is lack of social skills-and that is not just for people with disabilities, but for the general work force.

The services available in the community must reflect the state-of-art transition practices. They must be based on individual needs. We can't continue to support programs that have their own array of services and require people to fit into those programs. Rather, we must strive to create the programs people need. We are working within our community to create flexible services that are also well-tested and successful.

Transition planning has to be collaborative, and families must be included as partners. We professionals need to listen to families and guide them through the process. In Lawrence, our basis is our planning manual for families. But we are also thinking about a planning guide for teachers, to help them ask questions that will help families arrange their goals and objectives to meet the desired outcomes.

I saved this for last, because I think it is the most important. The preferences and choices of individuals with disabilities must be listened to and respected. In the car coming to Wichita, Dick said that sometimes he is not sure his daughter expresses her preferences: he doesn't always know what she really wants. Well, that needs to be taught. We need to start teaching disabled individuals and giving them the opportunity to make choices. You can't ask an 18-year-old, for the first time, 'What do you want with your life?' Those questions have to begin at birth and continue throughout the educational process.

Self-determination is an important value. Within the Lawrence community, as well as at the state level, we are trying to take that value and create a curriculum for family members and young adults with disabilities, so they have the opportunity to learn the skills they need for making choices. And we as professionals need to learn the skills for listening to them more effectively.

MYTH AND MYSTIQUE: Disability Does Not Equal Inability

Russell G. Redenbaugh
commissioner
U.S. Commission on Civil Rights
Philadelphia, Pennsylvania

Note: Marci Adler, Senior Special Assistant to Senator Robert Dole, introduced Mr. Redenbaugh and brought a message from Senator Dole to the conference participants:

It is a pleasure to be here, and I bring greetings from Senator Dole. He is very pleased with this fine program and with your turnout. He sends his special thanks to the University of Kansas and Wichita State University for putting this together, and for the nice array of national and Kansas speakers and resource people. He is very grateful and sends his best wishes. I would also like to thank my colleague, Mo West, for all the work she has done. We are delighted she has played a key role here.

Senator Dole became acquainted with Russell Redenbaugh several years ago, when Senator Gam, a colleague from Utah, said, "My nephew is coming to town and I'd like you to meet him." He introduced him to the nephew, Russell Redenbaugh, and Senator Dole immediately realized that he was an outstanding role model and inspiration for the community.

Senator Dole took a special liking to Russell. Russell, in return, showed up in Washington one day several years ago with an antique button hook from his family, which he presented to Senator Dole. It was a warm, bonding gesture, and their mutual respect has gone on from there.

In 1990, Senator Dole appointed Russell as the first person with a disability to serve on the U.S. Civil Rights Commission. I would like to quote Senator Dole at that time: "Russell Redenbaugh is a profile in courage and achievement, who will be a tremendous addition to the commission. He knows first-hand the real-life challenges confronting people with disabilities. By this appointment we have a historic opportunity not only to expand the commission's scope, but also to send a clear signal across America that 'disabled' does not mean 'unable.' "

Mr. Redenbaugh is a partner and director with Cooke and Bieler of Philadelphia. He is the chief investment officer and economic strategist for an investment firm that manages \$4.6 billion of stock and bond assets for pension funds and charitable endowments. He is also chairman of Action

Technologies, Inc., of Alameda, California, a maker and distributor of computer software systems. An accomplished author and teacher, Russell holds an undergraduate degree from the University of Utah magna cum laude, and an MBA from the Wharton School, the University of Pennsylvania, where he graduated sixth in his class, with honors. He and his wife, Patty, and their four children live in Philadelphia. I would like to warmly welcome Russell and his assistant, Rachel Budd, to Kansas.

Russell G. Redenbaugh

Good afternoon. I have been here in Kansas since yesterday, but I have been unable to **find** Dorothy, which is what my g-year-old daughter asked me to do. So I am going home without that accomplishment, but I hope the time we spend together today can be useful. The conference has certainly been so for me. The opening address by John Kemp this morning was one of the finest I have ever heard. I was very moved by it, and also somewhat intimidated, because I now see the standard of excellence you have here, and I am a little nervous about that!

Today I am going to talk about disability, the importance of coordination, superstition, myth, mystique, ADA, customer satisfaction, and employment.

Let me begin by describing who I am. Some years ago, when I met the young woman who subsequently became my wife, we became "involved," as was common to say at the time. She called her mother and said, "Mom, I've met this new guy, but there are three things I need to tell you about him. First, he's blind. Second, about six of his fingers are missing. And third, he's a Republican." And the mother said, "A Republican!" You see, some people just listen for different things. And my political orientation has been more of a problem for me in that family than my being blind.

My talk today will be of interest to those of you who are disabled, and those of you who don't **think you are**. If there is a third category, I am unaware of it. I am going to talk about some of the things that are essential for success, some of the things that have been useful for me in my life.

Wherever I go, no matter what the topic is, if I tell people how to make money they like the speech. So should I do that here? Or I could read the ADA to you. No? Then I am on firm ground, and I must still be in America! There's quite a fascination in America with achievement, and I see it continues even in this place.

I never planned on much of what happened to me. I never planned on being on the Civil Rights Commission. Until I was invited to be there by Senator Dole, I didn't realize there was one. I never planned to be blind: I became blind as a consequence of being careless. When I was 17 years old, I exploded a rocket I was building, and as a consequence became blind, lost about 60 percent of my hands, and became what we now call "hearing

impaired,” with about a 20 percent hearing loss. I didn’t plan on any of that, which may be one reason life has turned out the way it has.

I never realized the category in which I was placed, which used to be called “profoundly handicapped,” until I was on a panel in the 1970s and was introduced as the speaker who was going to talk about what it is like to be multiply handicapped. I had never really thought of myself that way. I had always been in public, non-segregated schools. I guess that was unusual, but we didn’t know any better, so I just kept attending the high school I was attending when this accident happened. I finished, and went on to college and did well.

When it came time to go to graduate school I applied to Stanford University, which was absolutely where I wanted to go. Remember, I was a young man from Utah. I had no idea where Philadelphia even was, and the east was so far away. I wanted to enter Stanford’s MBA program.

I was declined there twice, the first time on the grounds that no one who was blind could get through a program as difficult as theirs. I don’t know how they knew that, because no one who was blind had ever tried and failed! I have **always** wondered what it is to “know,” because we “know” so much that just is not so, especially about disability and what is possible for people with disabilities.

So I reapplied, and my professors from the University of Utah intervened. They said, “Look, this is the best guy we have up here. What do you mean, he’s not good enough?” And the people at Stanford said, “You know, we thought about it, and we made a mistake. You’re right. He absolutely could get through our program. We don’t have any doubt about that. But he’s not employable, and we don’t want to waste our scarce educational resources training somebody who would be unemployable. So our reason was wrong, but we made the right decision. Declined.”

After I finished Wharton, I applied to Stanford’s Ph.D. program and was offered a fellowship there to study applied mathematics in the finance department. But I decided I didn’t **really** want to be an applied mathematician. I already knew enough about counting and adding to balance my checkbook, but I was concerned that my account was empty. Knowing more about mathematics will not solve the problem of not having any money! This came to me in one of those flashes of insight and genius around which you can design the rest of your life.

It did divide the future from the past, because when I left Wharton I decided to go into the investment business. This was in 1969 when my peers, the top students in Wharton, were getting job offers by opening their mail boxes. There was such a shortage of **MBAs** that you would get unsolicited offers for jobs, without interviews, if you were in the top 10 percent of the class. I, however, had 49 job interviews. I talked to **all** the best **firms**. They all

declined. There was no way that they could imagine how anyone who was blind could know about finance and investments.

Then I found a **firm** called Cooke & Bieler in Philadelphia. They said, "We'd like to hire you: we think we can make money." That was **fine** with me, because I had the same plan. It was a tiny **firm** that could not feed all seven of its partners, so we had to grow. The **firm** had \$175 million in assets, which seems like a lot, but believe me, it is not. Now we are at about \$4.5 billion, and there still are about seven of us who have to be fed from that. So we have been very good at growing the assets per partner. I have been there 23 years, have held all the different positions, and it has worked pretty well. But because it is insufficient, I have involved myself in a number of activities-and that, at last, is what we are going to talk about.

We are going to talk about what it is to be disabled, not about the experiences that you know better than me. I was reminded tearfully this morning, in John Kemp's talk, of how hard it has been-and how hard it can still be--for persons with disability to make their way in this world. This is a country that is deeply prejudiced, and we often don't see that.

Disability is a limitation in the physical body. But so often, we in this country assume that a limitation in the physical body corresponds with a limitation in the capacity for action. That is why we say that people who are disabled "can't do," or that people who are disabled are "handicapped." We confuse the limitation in the body with a limitation in the capacity to be effective or to move in the world. We collapse these two things into one.

The coordination of people in our society is what separates humans from the other animals. The whole notion of being human involves the capacity to coordinate your behavior and your actions with other human beings. When you lose that, you lose more than dignity: you in fact lose your life. Human beings are such intensely social beings that, unless we coordinate our behaviors with others, in solitude we die.

Disability is an interruption in our capacity for the transparent coordination of our behaviors with other human beings. Disability is not an incapacity for being effective or for moving in the world. The ADA is beginning to make this distinction between a limitation in the physical body and a limitation to be effective in work, in communication, and in all the areas the ADA touches. Fundamentally, the ADA is about increasing the capacity of the society to coordinate itself: and increasing our capacity, as persons with disabilities, to coordinate with our society.

Let me talk a little bit about superstitions. How many of you consider yourself superstitious? Only one or two people? Notice I asked how many of you **consider** yourself superstitious, not how many of you are superstitious. Superstition is an assessment, just like disability is an assessment.

How many of you consider yourself prejudiced? That is still a low percentage: this is really a utopian place!

Can somebody give some examples of superstitions? Knocking on wood, not walking under a ladder, throwing salt over your shoulder, avoiding black cats, and the number 13. Well, according to my definition, these are not superstitions. Rather, they are examples of **prior** superstitions. Superstitions are not those beliefs we know to be superstitions, but those things we don't recognize to be superstitions.

For example, since this is 1992, let's pick Columbus and the commonly held belief about the shape of the Earth 500 years ago. Most people believed the Earth was not round. That was a superstition, and it was concealed from people that it was a superstition because this was their notion of reality. Another 500-year-old superstition was the notion that the Earth is the center of the universe.

Let's take some superstitions that have been dispelled in our lifetime:

- Bacon and eggs, meat and potatoes, and three square meals a **day** are the healthiest way to eat.
- When I was a kid, "Made in Japan" meant low quality-a toy that would break before you got home from the store, unlike the American toys, which wouldn't break for a whole week!
- When I left graduate school some of my friends said, "Don't you think it's risky to go into the investment business? We're going into an area that's safe. We're going to work in banking!"

In economics we have lots of superstitions, such as "raising taxes will reduce the deficit" or "all we need is more money poured into government programs." These are the superstitions that are dangerous, because we don't see they are superstitions: we think they are reality.

Prejudice works the same way. The prejudices that are dangerous are those we don't view as prejudices. "People who are blind can't . . . People who are chair users can't . . . People who are X can't do Y." Prejudice about disability is a big issue. If we get that taken care of in my lifetime, I will be satisfied.

We have prejudices about racial minorities-what people are good for and what they can and cannot do. Those have begun to be obvious in the last 20 or 30 years; But the real killers are the prejudices we don't see or recognize.

Let's talk about customer satisfaction, which is so important for getting and keeping a job. Get a job with a company that produces customer satisfaction. If you get a job with a company that doesn't produce customer satisfaction, you won't have a job for long. What if a firm produces quality, but not customer satisfaction? Like the companies that win the Malcolm Baldrige Award for producing cars that people don't buy, even though they are really high-quality cars. Maybe customer satisfaction is in fact more

important than quality. Every company must produce customer satisfaction to maintain its existence. Those that don't are the ones we read about in the newspaper every day. There must be a shortage of customer satisfaction in the country, because we keep reading about all these closings, layoffs, and bankruptcies. Those phenomena are caused by the failure to produce customer satisfaction.

For employers, the important mission is to produce satisfaction at a price that produces a profit. There is some concern that the implementation of the ADA may impair the organization's ability to produce a profit. If so, don't do it. Don't do anything that is going to put you out of business, because staying in business is very important.

The crisis we are having in American industry, and particularly in the service sector, is prompting a reexamination of the questions about how you produce customers; why quality is not enough; how you produce money for the organization; and what is the nature of work. In fact, one of the crises in this country stems from a misunderstanding of what work is, what a job is, and what the mission of a company or department is.

We are moving away from a time in which we tried to get applicants to fit into a given job description. Instead, we have to look at job modification. Could we, with technical assistance or job redesign, change the job in a way that would enable us to hire persons with disability? Given that the economy is not doing well and that there is a crisis in the service sector, it is worth looking at the question of job redesign-even without the encouragement of the ADA.

And it is important to ask in a new way, what is a job? I think we have looked at that question in the wrong way in this country. I think our knowledge of management theory is insufficient. We have looked at jobs, especially service sector jobs, from the perspective of Frederick Taylor: motion and time. If you view a job as a set of tasks or motion and time, then you can see why people who have certain limitations in their body may have a hard time doing some jobs. In fact, **most** people have a hard time doing some of those jobs; that is why there is so much unemployment in the service sector. That is why so many of our service-intensive industries, like banks, insurance companies, and savings and loans, are unprofitable. We have the wrong notion of what a job is.

Instead of motions and time, let's look at a job as a set of promises between the employer and the employee-promises for action. If you begin to look at it that way, then some of our traditional superstitions and prejudices about what a job is, what it is to be disabled, and who can work, begin to be revealed for the superstitions they are. We begin to see them as the dangerous kind of superstitions that we didn't know were superstitions.

Let me give an example. It is obvious that when you are blind, you can't see. That "fact" was an obstacle for 49 companies when I tried to get a job back

in 1969. Cooke and Bieler, however, realized that when you are blind, you simply cannot see the **present**. But in the investment business, seeing the present is not very important. If you can see the present and have certain coordination and capacities, you can be a taxi driver. But the investment business is about predicting the **future**.

Cooke & Bieler saw that it could be useful to see the present, but it was really important to see the future. By **the** way, the rate of pay for seeing the future is much higher than the rate of pay for seeing the present. Because we began to look differently at these questions of what is a job, what are the actions, what are the promises that need to happen for this job to be fulfilled, I was able to show Cooke and Bieler, "Look, this job is about being able to see the future."

We soon found that people have the superstition that blind people have special powers-a connection to the Divinity that allows them to listen differently and to see the future. The Old Testament never portrays the great prophets, seers, and revelators as young, healthy, athletic, Olympic **gold**-medalists. It always **portrays** them as weird old guys who are blind! Well, I found I could trigger this **myth**. I could make the prejudice work for me. And when you trigger the myth, if you can also begin to produce certain actions and assertions about your capacity in this area, you can transform the myth into a **mystique**.

A mystique is a certain public assessment that precedes you about your unusual capacity in a certain area. A mystique is a myth that you can back up. It is like the Marine Corps. The Corps has a certain myth about what it is to be a Marine, but it is a mystique because they are willing to demonstrate it to you. The Washington Redskins have a mystique, too.

If you begin to trigger the myth, build the mystique, and demonstrate your competence in an honest and fundamental way, you begin to build a capacity for yourself; a capacity not to be hired, advanced, or promoted, but to be sought after. You begin to be an unusual offer. You begin to produce a very different kind of customer satisfaction for the people with whom or for whom you work.

As people with disabilities, we need to assess where we can make an unusual offer. Where can we make promises that other people can't make? And where can we not? We need to have full integrity. What are the things we can't do as a consequence of a limitation in the physical body? There certainly are limitations, and we need to admit that and be absolutely **up**-front about it. But we need to invent the offer that we are for organizations or for our clients. What is the unusual capacity? Where can we promise and fulfill, with a growing reputation building the mystique. This is not **PR**; this is building the mystique by demonstrating the competence we have. If you do that again and again, you begin to generate a tremendous dignity, a

sense of security, a surplus of cash. And you begin to be a person who is sought after because of what you bring to the organization.

It is very clear that we have a shortage of certain kinds of competencies in the economy, and that is going to increase. One of the competencies in short supply is serving your clients when you have a diverse customer base in terms of ethnicity, language, race, religion, and disability. Those of us who are disabled already have a certain kind of expertise and competence in these areas. We acquired this competence the hard way. An audience member once said to me, "Gee, I'd really like to know what it's like to be blind." I said, "I don't think you'd like to **find** out the way I found out. And I can't talk about it in a way that you could really imagine it. Be careful what you wish for."

We need to work on the offer that we are. There are going to be expanding opportunities for employment, but not because the ADA is making jobs. There is no dignity in having a job that is a hand-out. It is because the ADA is a request to employers to examine their unexamined superstitions and prejudices, and after examining those, to ask, "What's the job we're doing here, and how can persons with disability do that job?" It is an invitation to enter into that kind of examination. That is going to produce opportunities for people like us to demonstrate what we can do.

Finally, I want to talk about history and historicity. History is what happens to you; it is the assertions or facts that constitute your biography. I became blind when I was **17**, went to the University of Utah, applied to Stanford twice, was declined, went to Wharton, went to Cooke and Bieler. That is my history.

Historicity is the narrative you generate about what happened to you. It is that narrative, it is the story I generate around those facts, that lets me either move forward or fall back and either open possibilities or close them. My historicity lets me have a very different future from some other person who might have precisely the same history.

The ADA, then, is an opportunity to open a different historicity for ourselves, open a different narrative, move into a different place in the world, invoke a different myth, build a different mystique, demonstrate a different competence, and arrive at a place with a different capacity for contribution to the world.

INCLUSION: Being Part of the Community, Not Just In the Community

Panel Members

Yo K. Bestgen
Executive Director
Kansas Association of Rehabilitation **Facilities**
Topeka, Kansas

Ron Pasmore
Vice President
Kansas Elks Training Center **for** the Handicapped
Wichita, Kansas

Jim **Blume**
President
Developmental Services of Northwest Kansas
Hays, Kansas

Yo Bestgen

I hope the comments I make today will challenge my fellow community service providers and broaden the views of those who are not as familiar with the concept of community services.

You have heard a lot about the Americans with Disabilities Act. I think the one message that is consistent throughout the implementation of that law is that it does not hold forth a false promise. The law, when put into its simplest terminology, is equal opportunity and access.

The challenge of the ADA goes not just to public employers; it also goes to the non-profit sector. We are being challenged to develop supports that will enable individuals with a disability to be included as part of their community.

When we talk about being in the community, versus being **part of the community**, that means using the local parks and recreation areas and not a separate area; joining the local Lions Club and not having a separate Lions Club; going to the local grocery store and not having somebody go for you because you are not able to enter the door. The way I think about inclusion, to broaden my own vision, is: 'What do I do each and every day?

And what are the barriers that disallow individuals with disabilities to follow in my footsteps?”

The vision of the future for community services begins with early intervention. Although we are talking about employment today, inclusion for people with disabilities begins in the infant/toddler period. Do disabled children have access to regular day care services, just as other children do? Do their families have a support system that allows them to raise their child in the family unit, without creating the undue stress and anxiety that eventually can destroy a **family**?

In our society, we have taken a strong stand. Unfortunately, for the past century that stand has had a strong institutional bias. In recent times, the driving force for services for people with disabilities, based upon funding mechanisms, continues to be an institutional model. I am not suggesting we close the doors of institutions and drive people into the streets, because that experiment failed.

We must begin to think in more creative terms. We have to understand how we can provide funding that creates more flexibility, so services can be brought to the individual instead of always displacing the individual in order to access those services.

We have an inequitable system. If disabled people live in an institutional environment, through law and various funding sources they can access all the services and medical supports they require. However, if they choose to live in a community, then obtaining access to those services is a day-to-day challenge.

There are other barriers to inclusion in one's community. We all need to join forces so we can begin to change those barriers.

First, we have to look to the fact that disabled people are not sick people. We have traditionally had a medical model in delivery of services for people with disabilities, but people with disabilities usually do not require the intense medical environment required by someone with an illness. That, however, has been our impression, our perception, and our model for implementing services. We must change that model to permit more flexibility, so we can bring services to people in non-medical environments.

We view business as a viable part of our economic development, and we struggle to develop the valuable public/private partnerships between **not-**for-profit organizations and for-profit industries, and between our local, county, state, and federal governments. One of the values of the Kansas community system, which I believe is supportive of inclusion and flexibility, is that we have broad-based public/private cooperation.

In today's environment the perception of economic development is rarely viewed in terms of the service industry. However, if you read the statistical

trends, you find that manufacturing-though a viable development source in this country-is not where growth will occur over the next decade. The United States is shifting from a manufacturing base to a service base, and its citizens have to become knowledgeable, creative, and more understanding of that service segment.

Housing is a barrier, in that very little affordable and accessible housing exists. We want people with disabilities to be employed, but a job consumes only eight hours of their day: they also require a place to spend their non-working hours. We are looking in both rural and urban neighborhoods for affordable and accessible housing.

Another barrier is health and disability insurance. Frequently, individuals with disabilities are viewed as high insurance risks simply because they are disabled. I believe that if we are truly going to serve this population, we must look honestly at the statistics. The idea that disabled people are high risks may not prove out, if we begin to evaluate and diagnose their actual needs and compare them with non-disabled Americans.

The barriers I have been talking about don't pertain only to people with disabilities. Housing, health insurance, and the need for economic development and jobs are issues all of society is talking about today. They are not unique to a special population, and we have to work together to figure out common, sound solutions.

As you return to your respective businesses, I challenge you to harness the resources and the innovative, energetic people around you. Begin to bridge the gaps for all citizens, so we all can participate through employment and living in our communities.

Ron Pasmore

A person with whom we work at KETCH recently went to a local bank to open a checking account. He was told that he could have a savings account, but not a checking account. The reason: Because of his disability, he would not be capable of handling a checking account. This incident illustrates that, for persons with disabilities truly to be part of the community, we need to change attitudes within the community.

Since July, KETCH has operated Employer Accommodation Centers (EACs) in south-central and south-west Kansas. These are two of the five centers in Kansas funded by cooperative efforts of the Kansas Department of Commerce and Kansas Rehabilitation Services. The goal of these centers is to help businesses understand and comply with the Americans with Disabilities Act (ADA).

The ADA is a broad piece of civil rights legislation to end discrimination against persons with disabilities in both their economic and social lives. It has five titles:

- **Title I** Employment:
- Title II State and local governments, with attention to public transportation:
- Title III Public accommodations dealing with accessibility to services and products provided to the public by businesses;
- Title IV Access to telecommunications;
- Title V Miscellaneous items, which deal primarily with relationship to other laws and federal agency responsibility for implementation.

The primary focus of our EAC has been Title I, which states, "Employers may not discriminate against a qualified individual with a disability in any aspect of employment." The act further requires that employers "reasonably accommodate, if necessary, unless it would impose undue hardship." We also provide information to businesses regarding Title III, which requires public accommodations to provide full and equal enjoyment of goods, services, facilities, privileges, and advantages to persons with disabilities.

Since the start of our EAC:

- More than 200 businesses have requested information on the law and have had specific questions:
- In September 1991 we held a well-attended seminar on the **ADA**;
- We have been invited to speak on numerous occasions, as featured speakers or participants in workshops on the **ADA**;
- We have provided on-site assessment of employment processes and provided technical assistance with respect to ADA compliance.

We feel that businesses in the Wichita area want to know more about the law and are seeking assistance at an increasing rate. However, we **find** that awareness lags behind in the more rural counties of our state. Results of a survey, as reported in the Wichita **Eagle**, indicated that as many as 90% of the nation's employers are still unaware of the provisions of the ADA. As an example of this, a **KETCH** staff person recently explained the ADA to a business person in a small community. This person was under the impression that the ADA was a new rule that pertained only to Wichita.

We **find** that most businesses with whom we deal sincerely want to comply with the law. However, this might be a skewed point of view, as those interested in getting around the law will probably call their lawyers rather than calling an organization that serves people with disabilities! Larger employers have been the most active in seeking information and in sending us notices of job opportunities for our job placement program. Some of these

companies had previously been difficult to work with in developing jobs for our clients.

In closing, I would like to share the outcome of the checking account incident. We decided to view the situation as an opportunity to share information regarding the ADA. The bank responded by sending a letter of apology to the individual, opened the checking account, and gave him a supply of free checks. More importantly, the bank has requested that we provide training for its employees regarding the ADA.

Discrimination is attitudinal. Attitudes about disability are based on ignorance and fear, and ending discrimination requires changing these attitudes. We have found success by providing education, but much work remains to be done. As the presence of persons with disabilities in communities grows, it will be incumbent on all of us to focus our efforts on rehabilitation of the environment. We must make the community accessible to all persons with disabilities.

Jim Blume

I want to talk to you about a network of community programs that exists across Kansas for people with disabilities, and a major challenge facing each of those programs to make a paradigm shift, a shift in the way we think about things. That major shift began even before the passage of the Americans with Disabilities Act, which was the hallmark of a major consumer movement focusing on the empowerment of people with disabilities.

Empowerment means that when decisions are made that **affect** the lives of disabled individuals and their families, decision-making authority rests with the individuals. It is that simple. Yet, for organizations driven by a mission to serve people with disabilities, that requires a major shift in perceptions. They have to stop viewing themselves as “the professionals” and “the seat of knowledge.”

What are some implications, of empowerment? First, individuals with disabilities must have the decision-making skills to be in control of their lives. We professionals have been especially remiss in not permitting that kind of self-discovery to occur. I think our challenge is to put those **decision-making** tools into the hands of people with disabilities.

Second, empowerment means giving people with disabilities the opportunity to practice their decision-making skills with regard to where they live, where they work, and where they continue to learn and grow. They need, for example, “a sense of place.” This is their dwelling. They are not just in a transitional program: they really are home. Part of being at home implies that they are in control of their environment. They are in control of who they

live with, and they have a sense of ownership. We have a long way to go in creating opportunities for people in that area alone.

We are also talking about empowering people to be in charge of their future, including program plans: the development of leisure and social activities: and having informed consent, the ability to know their options every time they make a key decision about their life.

Some people are unable to express their desires and preferences. We need to provide advocates who can assist these people and champion their causes. The time is long past when bureaucrats, policy makers, or community agencies can make permanent life decisions about people with disabilities without an advocacy perspective.

A final form of empowerment is the capacity of people with disabilities to take the lead in planning programs designed to meet their needs. This is the root of empowerment. Community agencies need a major shift in how they view their role. They must look at the allocation of resources, the money, the people-power, and the buildings through the eyes of the individual consumer, not through the eyes of the **staff** members who operate those programs.

What a challenge this is for community agencies! But I believe we have throughout this country an infrastructure that can lend its resources to helping people with disabilities achieve this goal. That infrastructure is in place in terms of personnel, relationships with funding sources, and even practical functions like transportation. It would be a mistake for us to bypass the resources we have spent the past 25 or 30 years developing. Rather, the challenge is for organizations to make the paradigm shift: start focusing on empowerment of people with disabilities, not on the continuation of particular organizations and programs.

Why might good people in good organizations view this major shift as a barrier? There are some concrete **financial** reasons.

The first is debt retirement. For 30 years our system has encouraged organizational entities to develop programs based on a model of service delivery that was not driven by consumer control. Based on that, many good organizations have accumulated debt that they are in the process of retiring-debt based on a funding stream we are looking to change. That debt retirement is, of course, a barrier for those organizations when they ask themselves how they can change.

A second obstacle is leases and contracts. With the closing of Norton State Hospital, for example, Developmental Services of Northwest Kansas (DSNWK) opened seven group homes in Russell, Norton, and Hays. These homes were financed with Medicaid funding, to provide community living for the people who used to live at the state hospital. The funding stream was

based on having six individuals live in a home, even though we would have preferred a smaller number.

We went to the local community and tried to find individuals willing to purchase a home and lease it back to us. Well, in a community where there is a housing glut we could not find people willing to pay **\$70,000–\$80,000** for a home and then put an additional **\$30,000–\$40,000** into remodeling for accessibility. As a result, we bought four homes and financed them over 15 years. Now, if we want to make a shift to having fewer people in those homes, we have a definite financial hurdle to overcome.

Another key barrier is cost accounting systems. Many community organizations formulate their plans for services around averaging costs based on serving a small group or a small pool of individuals. Now we are asking, "What would it take to serve just Joe, or just Mary?" That orientation is quite appropriate. However, for us to get from here to there is going to take time and a partnership between provider agencies and the state.

When DSNWK began to make this paradigm shift, I believed we could simply say to our staff and our board, "We need to take this big ship, turn it slowly around, and go in a different direction." I set out on that course, only to realize it doesn't work.

A major paradigm shift, involving a major reversal in the way we think about services, can't be accomplished by slowly changing the way things are done. A paradigm shift means that everybody goes back to zero. It is a leveling process. We are standing shoulder-to-shoulder with people we see as empowered and providing the supports they need to live full and productive lives. It is only by erasing the slate and starting back at zero in our thinking that we can make the changes we need to make.

What are some of the implications of this change? The first is planning. We must have a consumer focus in our planning. We have to think about the needs of individual people, not how we can best use the buildings and staffs we currently have. It means a whole new way of thinking.

At DSNWK, we needed to come up with additional job coaches and service coordinators. Yet, we were locked into a set amount of money available for community services. The question was how to come up with more job coaches and more service coordination staff with the existing pool of money. We opted to go back to the drawing board and take a look at our management systems. We streamlined those systems and freed up money for hiring additional job coaches and service coordinators.

We also have eliminated the term "facility." We are striving toward sending people to work, not to a facility. Our goal is to have them interacting in the community in typical living and learning experiences, not going to a facility where there are segregated services. There is no reason for Joe to get up in

the morning, get on the van, go to a facility, and from that base of operation go to a job in the community. Why shouldn't he just get up and go to work?

For example, we hired a staff member who works at the fitness club in Hays. Individual consumers can go to the club and learn what it takes to ride the exercise bicycles, participate in an aerobics class, or use the weights. We took our services right into the community.

The changing concept of personal assistance services is also exciting. We want to ask each person, "What will it take for you to continue to live independently?" Then we can provide the needed services. If a woman has severe mental retardation or other compounding problems, a personal assistant could aid her in every step of her daily living, to ensure that she is fully included in the community.

Another needed change is education of our boards of directors. Our board members have been trained in the concept of bringing people to a central facility and providing specialized services there. We have a paradigm shift now; we are talking about including people in work settings and community living settings.

An important element is consumer advisory councils. Boards of directors of many vocational programs do not have adequate consumer representation. We need consumer satisfaction processes in place, and we need to give consumers a direct voice to name the services they desire.

I am not saying that we at DSNWK know exactly how to do it, but during the past three years we have realized we are starting over. The old systems, while they may provide a foundation on which we can build, are no longer acceptable. If we are serious about empowering people with disabilities, they need to be with us from the outset in planning and developing services.

EMPLOYMENT OF PEOPLE WITH DISABILITIES: The DuPont Experience

Richard L. Drach
Manager of Disability Programs
The DuPont Company
Wilmington, **Delaware**

Note: Mr. Drach retired from DuPont in March 1992.

It is a pleasure to be here this afternoon and to come back to my roots. Almost 100 years ago, my grandfather moved to Kansas. I think he settled as an infant somewhere around Le Roy, Kansas. I was born and raised in Iowa and educated in Arkansas, so I have been all around Kansas, and it's a pleasure to come back here. When I got to the airport last night I noticed all these people wearing cowboy boots, so I knew I was back in the West!

Today, I want to tell you about DuPont's hiring and employing of people with disabilities. DuPont did its first survey of employing people with disabilities in 1958, and the company has been a member of the president's committee since the initial days of that committee over 40 years ago. But I would like to focus on our progress during the last 10 years, the time in which I have been involved.

Many people ask why DuPont is involved in this issue. Why do we put so much effort into a program like this? Is it the fact that we're good corporate citizens? Is it the fact that it is the charitable thing to do? Or are we doing it because it is the law? Well, DuPont was complying with the law long before the Americans with Disabilities Act came along. We have been a federal contractor under the Federal Rehabilitations Act since 1973. There is probably a little bit of truth in all the reasons I just mentioned. But I want to talk about the fact that we are involved in this because it is good for business. That is the bottom line.

The world is changing. The workforce is changing. It may be hard to realize, sitting in the middle of a recession, that there is going to be a labor shortage. "Workforce 2000," a study by the Department of Labor, talks about that, and Russell Redenbaugh talked about it today.

About a year and a half ago, just before the recession started, Help Wanted signs could be seen in lots of stores. In fact, I went by one store and saw the sign, "Help Wanted, Wages Negotiable." Let me assure you, when I started

with DuPont 30 years ago wages were not negotiable. Employers said, "Here it is; take it or leave it."

But less than two years ago, employers were having to negotiate wages to get people to come to work for them. I'm not talking about nurses, although we all know there has been a nursing shortage. I'm not talking about firms that needed computer programmers or engineers, although we know there are shortages in those fields. This was at Wendy's in Wilmington, Delaware. And I think we are going to see more and more of that. As Russell said, the economy is going to be turning up and we are going to see more shortages occur as we go into the latter part of the 1990s. We are already seeing that the baby boom has turned into the baby bust, and there are fewer young people coming into the workplace.

Another factor is that there are more people going **out** of the workforce. DuPont is going through an incentive program to encourage people to retire early, and we are down-sizing by 10,000 people. This follows an incentive program in 1985 in which we lost 12,000 people. So we have a shrinking labor force. There are more demands in the labor force. We are trying to cut out many of the tasks that don't require a lot of thinking, and looking more toward people with a higher education.

When we look at the demographics of the workforce, we see that 20 years ago 25 percent of our workforce was over 65 years old. Today that number has dropped to 15 percent. Twenty years ago there were 12 people working for every retiree. Today there are only three people working for every retiree.

Russell talked about the global workforce and the global economy we are going to have. We haven't even started to see the impact of that, but we know it is going to happen. We know it is going to change; we're just not sure what it is going to become. Today we talk about DuPont as a global company. The chairman of our board has estimated that, by the turn of the century, 40 percent of our earnings will come from our international operations. That's 40 percent of a company with sales of over \$35 billion a year. And we are going to have to get ready for that.

The solution is one of the biggest sources of qualified, dedicated employees: people with disabilities. It is estimated that there are 43 million people with disabilities in this country, and they suffer one of the greatest unemployment rates of any group, 66 percent.

When I was growing up, people with disabilities were not mainstreamed. They were confined to special education programs and special institutions. That has not been the case since 1973 and the Rehabilitation Act. People with disabilities today are well-trained, well-educated, dedicated, and want to work. A recent survey showed that the disabled people who are unemployed don't want to stay unemployed. They want to work.

Now that we know there is going to be a need, and we know there is a source of labor, the next question is, do people with disabilities make good employees? Our surveys over the last 35 years continue to show that people with disabilities **do** make good employees. In fact, we titled our last brochure "Equal to the Task," because we found that people with disabilities were equal to the tasks we had for them.

One of the myths we always hear about people with disabilities is that they will miss a lot of work time, that they will be off sick and going to the doctor. We have not seen that. One individual we hired more than 37 years ago was born deaf. He has had perfect attendance for the last 10 years.

Another myth about people with disabilities is that they are going to get hurt on the job, and we have not found that to be the case. In our survey, we asked supervisors to rate the safety performance of people with disabilities and to compare their performance with people who did not have disabilities. We found that the safety performance of people with disabilities was slightly higher.

Why is that? I don't think any of us have the exact answer, but I can speculate. I think one of the reasons people with disabilities are safer in the workplace is that they know their limitations. How many injuries occur on your site or in your office because people do stupid things? Russell said today that he was disabled because he did a stupid thing. And that is what happens. People jump off a 4-foot loading dock and break a leg. Or they try to lift a **100-pound** package and injure their back. They do things without understanding that they have limitations. But I think people with disabilities live with those limitations, so they understand them.

In the area of job duties, we also found that disabled people were equal to the task. I want to tell you about a woman named Barbara who works in our division in Wilmington. Barbara, who is mentally retarded, has been with the company for a dozen years. She started with us in the mail room. She is so good and so dedicated in her job that she provides the continuity for that operation. She trains all new people coming into that work area. The bottom line is, she is saving the supervisor time by doing that training. The supervisor can concentrate on other things that need to be done. Barbara always appears happy and vibrant, and she greets everyone with a smile. It is a real pleasure to work around her.

DuPont also employs a woman named Andrea, who is severely disabled. She walks with two canes and has a difficult time getting around. But according to her supervisor, Andrea is the first one to arrive at work when it snows. I think that says it all. **What** do the rest of us do when we hear that it is going to snow overnight? I set my alarm for 15 minutes early and struggle into work a half hour late. But Andrea knows the problems she has getting to work when the sun is shining, so she compensates. She understands the need to be at work on time.

Certainly DuPont is not perfect. And I am not about to tell you that if your firm opens the door to hiring people with disabilities, you won't have some failures. You have failures of people **without** disabilities. If anybody told me they have had perfect performance out of everybody they have hired, I would question that.

To show you that we are not perfect, **I'll** give you an example. One of DuPont's departments is Remington Arms. Remington operated a plant in Lake City, Missouri, making ammunition for the federal government. An individual with a disability applied for the job of handling boxes of ammunition. The job was to take the boxes off the conveyor in the production line, pick them up, **pull** them close to the body, move them around, and put them on a **pallet**. The job applicant had had a kidney transplant, and the kidney was transplanted to the front of his body. The plant manager decided not to hire the individual because of the likelihood of damage to that single kidney, or maybe even death.

The individual exercised his rights under the Rehabilitation Act and filed a charge. The first thing the investigators did was go to the kidney transplant organization and ask its experts what they would do in a similar situation. The organization informed the investigators that a wide leather belt was available for \$17 to protect a transplanted kidney.

The government found in favor of the individual with the disability, and we immediately realized that we had not done our homework. We had not gone to the experts: we had not learned how to make reasonable accommodations. We ended up hiring that person and paying him almost a year's back pay and benefits.

Since that time, we have developed many resources to help us be better prepared for disabled applicants. One of those resources, which is available to all of you, is the Job Accommodation Network. JAN, which was started about seven years ago, tells employers what they can do to make reasonable accommodations to disabled employees. If you are not familiar with JAN, I encourage you to pick up the phone tomorrow and call the network, requesting literature. JAN has done a survey over the last few years and found that the overwhelming majority of accommodations cost less than **\$50**.

By the way, the ADA is not going to change that. The ADA does not require you to make accommodations that are not good for business. If someone with a respiratory problem applies for a job in your 100,000-square-foot warehouse, for example, you are not required to air condition that warehouse. That is an undue hardship under the ADA. You only have to do the things that make sense and that do not create undue hardships.

In hiring disabled people you may need help, but there is a lot of help available. There is JAN. There are governor's committees and president's committees. There are Projects With Industry and vocational rehabilitation

programs. And there are consultants. Since I am retiring from DuPont in 30 days and going into the consulting business, Chris Bell hurt me when he said this morning that there is no need for consultants! Just to adhere to the ADA does not require a lot of energy, but there are many employers who want to do more than the minimum. They want to tap into those diverse work forces, and that is when they need help.

When you start hiring disabled employees, one of the first things your company will have to do is knock down the barriers. I am not talking about physical barriers: putting up a ramp with a couple pieces of plywood is easy. The barriers you are going to have to knock down are the mental ones, the fact that people tend to focus on the disability and not the ability.

A blind Hispanic with a master's degree in electrical engineering and a specialty in computers applied for a job with DuPont last year. The department that was considering him kept calling me. All their questions were around the disability. "What about this? Do you think he can do that? Do you think there will be any problems?" They kept messing around, focusing just on the disability. By the time they realized that this individual was tremendously qualified for the job and decided to make him an offer, Bell Laboratories had hired him. We missed hiring a valuable, qualified person because of those mental barriers.

Another barrier is that people don't know how to talk to an individual with a disability. They are afraid. But the people who do interviewing are going to have to overcome that fear. I was interviewed last year by the BBC for a show called "Does He Take Sugar?" I wondered what that title had to do with disabilities. Finally I realized that the name relates to people's tendency not to talk directly to disabled individuals. If a person with a disability is sitting in a wheel chair and an assistant is with that person, people will ask the assistant, "Does he take sugar?" They won't talk directly to the disabled individual.

People are afraid to say the wrong things. They are afraid to say to a blind person, "Did you see?" They are afraid of making a mistake, but they shouldn't be. So you are going to have to knock down those barriers.

Focus on ability. Form partnerships. You would be amazed at some of the successes. Larry Burd, whom I know from the president's committee, talked to you earlier. He has had success stories. And I think it helps us to work with other people who have been successful. At every talk I give, I push the Projects With Industry concept. It works because it involves business people in the process. Those of you in agencies cannot do it alone. Those of you in agencies need to get businesses involved.

A Philadelphian, Dan Sullivan, got me hooked on Projects With Industry. Eight or nine years ago he asked me to host a meeting. "You don't have to say **anything**; just provide the location, a little bit of coffee, and introduce me," he said. Well, today I am spending about half my life on this concept. I

tell Dan that he is the best hooker I know, because he got me hooked. That is what you need to do. You need to get those business people hooked, because they are the ones who have the jobs. They are the ones who have the money and the resources.

How many people out there in the audience are in business? Raise your hands. Now, all you agency people, look at those business people. Single out one or two of them. After this session, go up to them and ask them for something. The worst thing that can happen is that they will say “no.” Ask for a meeting to talk about your services. Ask for a place to meet. Ask for a donation. I have money allocated that remains unused because people just don’t ask me. So you agency people, get out there and hook those business people. It is very important.

The Projects With Industry concept is one way to hook people. It is one way for advocates, agency people, and business people to pull together toward the common aim of providing jobs for people with disabilities. I recently helped the city of Memphis start up a **PWI** patterned after my PWI in Delaware. It takes a little giving up of turf, and those of you who have worked in this field for some time know there is a lot of turf protection.

People have to get over that possessiveness. But once they do, they find that if they work together as a team, anything can be accomplished. The end point is that people with disabilities have jobs, and you have good, dedicated, capable employees who are going to be there for a long time.

I would like to close with the challenge that I leave to all groups: To prove that you are equal to the task, just as our disabled employees have proved to us. The task for those of you in business is to open your doors and give people with disabilities an opportunity. That is all they want. They don’t want a favor.

At lunch, Russell talked about the fact that he had more than 40 job interviews. I talked to an individual a few years ago who was in a wheel chair. He said that when he got out of college he had more than 100 interviews before he got a job. Don’t you think employees like that are going to be dedicated to the **firm** that hires them? You know they are.

My challenge to you: Simply open your doors. Provide a level field for disabled job candidates to play on. I am sure you will not be dissatisfied.

To receive a copy of the brochure “Equal to the Task II,” which talks about DuPont’s programs for hiring people with disabilities, call 1-800-527-2601. The Job Accommodation Network (JAN) toll-free number is 1-800-526-7234.

PRIVATE SECTOR INVOLVEMENT IN EMPLOYMENT OF PEOPLE WITH DISABILITIES TOWARD THE 21ST CENTURY

Paul G. Hearne
President
*The **Dole** Foundation*
Washington, D.C.

It has been a pleasure to work with Dr. Ed **Meyen**. He and I were on the Advisory Committee to the Dole Foundation ever since the foundation's beginning. We are charter members of the foundation, and we knew it at a time when it was only an idea in Senator Dole's mind. Now it is a reality, and I am proud to be a part of it. The help that Ed and the other members of the Advisory Committee have given me has been invaluable.

I am suffering from a slightly different definition of jet lag. The jet I took yesterday from Virginia to Chicago lagged behind the jet I was supposed to catch in Chicago, so I didn't arrive here in Wichita until this morning. I knew I was in trouble because when we landed last night, about an hour and a half late, the stewardess stood at the end of the aisle and said, "Would the person claiming the wheelchair please come to the end of the loading deck." That told me we still have a great deal to learn in the area of travel for people with disabilities. It also killed enough time that I missed the plane entirely.

As you know, we are looking at the role of the private sector in the 21st century. I am not sure I'm competent to carry this subject through the next hundred years, but I will take a stab at the changes I see in the next decade, into the 21st century. Before we talk about where we are going, I think it is important to talk about where we have been and where we are.

John Kemp and I are from the same generation of people with disabilities, having grown up in the '60s when there was no act for the education of all handicapped children and no act prohibiting architectural barriers in public places. I was tutored at home and did not have a formal education until age 16. At that time people with disabilities were not seen, were not heard, and were not recognized in society. It is a tremendous privilege to have been a part of the changes that have occurred and to see where we are today.

I think the change is all-encompassing. Had I been here talking to you 15 **years** ago, I would have been talking about the Vocational Rehabilitation Act. My topic would not have been the role of people with disabilities in the private sector, because there was no role. And I would not have been talking

to you as president of a foundation dedicated solely to the employment of people with disabilities, because no such foundation existed.

The foundation world of 15 years ago, like the corporate and private worlds then, was not involved with employment of people with disabilities (with one exception that I can think of, the JM Foundation). Nor was the foundation world involved in any way, shape, or form with funding programs that encouraged job placement, programs on job training, or programs **that** trained the private sector.

Attitudes, too, have changed. In his speech earlier, Russell Redenbaugh made a key point about the attitudinal barriers people with disabilities face when trying to go out into the world of work. I will share a personal story to illustrate.

Twenty years ago, I applied for admittance to Hofstra University Law School. I was asked to come to the dean's office for an interview, and I was **panic**-stricken, wondering what I was going to say. The dean's first question was, "Why do you want to go to law school?" I hoped the questions would all be that easy. "**Because** I want to be a lawyer!" I answered.

Here was the dean's reply: "You're never going to practice law. First, all the courts in the country are up long colonnades of stairs and you'll never get into the courthouse. Second, if you ever had a jury trial, the jury would say that your disability would prejudice the other side. Therefore, any trial you won would be reversed on appeal. Third, in our new library we have books that run from floor to ceiling. When you do your research, you won't be able to reach the books over your head."

I figured all was lost and asked the dean, "How many other applicants for this class are you considering?" He said, "Well, we're considering a class of about 200, with about 400 applications." I asked; "How many of them have you personally interviewed?" He replied, "We've not personally interviewed anyone. I felt this was a special circumstance." I said, "Since you're not interviewing the other 399 candidates, you have enough time to come downstairs and get a book for me."

That was 1971, not long ago. Even then, the attitude was that nobody in a wheelchair could have the competence and stamina to succeed in the study and the practice of law.

Those attitudes have changed. **The** ADA says that folks with disabilities are **people** first. They are **competent** first. And the law says that if **you**, as an employer, can match their skills with your needs, then they are qualified to be hired.

When the Dole Foundation started in 1984, it was the only foundation in the country that supported employment programs for people with disabilities. It started with the premise that people with disabilities could do

the job. And it started with the premise that if we provided training, technical assistance, workplace support, and local programs, then the foundation could make employment of people with disabilities a successful reality.

For 10 years I ran an organization in New York called Just One Break, which was started by Eleanor Roosevelt in 1947. When World War II ended, many veterans came back with disabilities. The Veterans Administration had no real job placement program, and little information existed about where to find a job. On top of that, these disabled vets confronted the same barriers and prejudices we have talked about all day.

Mrs. Roosevelt and others began making this persuasive argument to employers: "People with disabilities are good employees. Just match the functions of your jobs to their abilities. Maybe they will need some accommodations. But once you have made those accommodations, you are going to have those people in your employ for a long time."

So in 1947, the first job placement agency in the country for people with disabilities began. The results were meager. The jobs were entry level. There were no such things as equal fringe benefits, career laddering, or people with disabilities in management positions. But it was a start. And those people who were hired as early as 1947 are retiring now as managers. They are leaving a legacy of success, whether in a large or small business, that will open the door for more people with disabilities.

Employment in the private sector, then, was based on the power of persuasion, and it occurred in isolated pockets of the country. Some folks with disabilities were getting jobs, but they were not getting jobs commensurate with their skills. They were getting entry-level positions, and it was **difficult** for them to move up the ladder.

We knew there had to be legislation. We knew there had to be a watch-dog to ensure that people with disabilities could increase their numbers among the ranks of the employed.

During the **1980s**, there was an attempt to amend the Civil Rights Act of 1964 to include people with disabilities as a category. The attempt died in committee three or four times, primarily because of the process through which laws are made. I think all of you have a rough idea that when lawmaking gets down to the nitty-gritty, somebody says, "I'll give you A if you take out B." Deals are made. Some legislators were afraid that deals would weaken the Civil Rights Act, so the word "disability" was not added to it.

In 1987 I got a phone call from Jerry **Millbank** of the National Council on Disability. He asked me to draft a couple of paragraphs on the possibility of a new law-to be called the Americans with Disabilities Act. I wrote down a few ideas, in a discouraged fashion, because I figured this was just one more

vain attempt. However, I was privileged to see the ADA introduced for the first time in 1988.

I truly believe that the process of formulating this law, making it apply to the private sector and educating people through conferences like this one, is having more productive effects than any lawsuit that comes out of the bill will ever have.

Every day I get across my desk some new document written by a law **firm** on "How You, Too, Can Get Around the Americans with Disabilities Act Without Being Sued." But I chuckle at those documents, because I have seen how attitudes toward people with disabilities have radically changed in the last 20 years. And I think attitudes toward hiring people with disabilities are going to change even more radically, and in a very positive direction.

First, it is not just the large corporations that are going to have an "in" on employment of people with disabilities. It is the mom-and-pop stores, the restaurants, the movie theaters, the local McDonald's affiliate, maybe even the local Burger King. Those small businesses are going to start hiring individuals with both visible and invisible disabilities, because they are going to be much more aware of the issues.

Second, you probably know that Title III, the public accommodations section of the ADA, went into effect **five** days ago. At my hotel in Chicago last night, there were steps leading into the restaurant. The manager of the restaurant came running up to me and said, "I want to let you know I am very embarrassed by this. But don't worry. We've had a management meeting at our hotel, and this will be ramped within the month."

Well, you can't really understand my sense of satisfaction at hearing that. I knew that two years ago, if I arrived at an establishment with steps, managers rarely ran out to apologize. If they did, they would refer me to the only restaurant without steps, and it always was on the other side of town!

The Dole Foundation is a very small foundation, and we are unique in that we raise money to give it away. Many philanthropic foundations in this country sprang from families such as the **Rockefellers** and the Fords. They set up an endowment and then used their investments to fund projects. This foundation is remarkable because we raise money, then use the money to give grants to programs throughout the country that promote employment of people with disabilities.

I wanted to think of a way in which the foundation could leverage more authority. Years ago, when we went to a foundation and uttered the words "disabled" or "handicapped" (in those days, that was OK to say), the foundation always said, "Yes, we handle unemployment, but disabled folks don't work. They get Social Security. And yes, we handle housing, but people with disabilities live in special places."

The attitudes of the philanthropic world about people with disabilities were as outdated as the attitudes of the rest of society. Yet, those foundations held the key to the success of many of the programs you have here in Kansas. You have **KETCH** and you have other fine job placement programs that could not exist without private money.

I wanted to give those foundations an awareness of people with disabilities and the issues they face. We started a “funding partnership” for people with disabilities, linking 20 **foundations**—10 that had an awakening awareness of programs for people with disabilities and 10 that had never been involved in the field. They would receive a joint pot of money that they would control as individual foundations, but they would make a commitment to solicit proposals to fund people with disabilities and their programs.

Last year we sent out requests for proposals nationwide. Twenty foundations participated, including such excellent foundations as the Robert Wood Johnson Foundation, the Pew Memorial Trust, the Donner Foundation, the **Millbank** Memorial Fund, Hearst, and **McDonald's**. They contributed a total of \$1.1 million. The Dole Foundation chaired the partnership, read the proposals, generated interest, and coordinated education of the foundations about the issues that were involved.

We received 615 proposals for grants; we hope to fund between 30 and 35. The competition is very stiff. \$1.1 million sounds like a lot of money, but it is nowhere near enough. I have already begun to work on round two, in which we hope to enlist 40 foundations. Some larger foundations, like Rockefeller and Ford, have expressed interest. We start the next round in 1993, and I hope that by then we will have \$2 million or \$3 million to offer.

I feel confident that down the road, when folks start job-placement programs, counseling programs, or preparation programs of any kind for people with disabilities, foundations are no longer going to say, “We don’t do that.”

I am proud of the fact that the Dole Foundation, small as it is, was able to put this together. I get a kick out of being able to say that if we make a grant of \$10,000 and we get a matching agreement from two other foundations, the beneficiary organization will receive enough to get its programs off the ground.

How else is the private sector changing? Fifteen years ago, the label of “disabled consumer” meant we consumed vocational rehabilitation, Social Security, Medicaid, Medicare, and other benefits. Now the “consumer” label means we are the folks buying the products such as the infrared hearing amplifier being demonstrated here today. The telephone industry, telecommunication devices for the deaf, the capacity in televisions to have closed-captioning for the hearing impaired, and other technological devices yet to come, are nothing more than consumer goods. And as the unemployment rate of people with disabilities drops, their consumer

strength increases. This holds true for every chapter and title of the ADA that we talked about today.

People don't want to go to a restaurant that is not accessible. They can't like the food that much! But they would like to go to a restaurant that is comfortable, has good food, and is accessible. That is a consumer issue. Restaurants are going to lose money if they don't install ramps.

When we were looking at Title **IV** of the ADA and setting up a dual-party relay that would help people who are deaf to use the telephone, we really weren't thinking about the consumer implications. We were thinking about gaining access to communication, and rightfully so. But it is a consumer issue now. Sprint, MCI, the local Bell companies, and AT&T are fighting in each state for the contracts to provide phone service to people with disabilities. It is a money issue, and that puts people with disabilities in the forefront.

Down the road, people with disabilities will be able to afford these products. If they can use them, they are going to buy them. We will no longer have to ask manufacturers to make items accessible out of the kindness of their hearts: if it is not accessible, we simply won't buy it.

One of the great private sector changes is to view people with disabilities as a consumer force. The ADA also views people with disabilities as a **political** force, because there would not have been an ADA had we not been a political force.

I think that in the future we will turn toward issues in our local communities. I lived in New York City for a number of years. When you get a parking ticket there, you have to take it to the Parking Violations Bureau to pay it or have a hearing. Well, the Parking Violations Bureau was up two flights of stairs. That is also where the voting booths were located. I decided the only way to make my point was to save up my parking tickets for a long time, then send a certified letter saying, "Look, I can't get in to your offices. What do we do about this?" The situation was effectively denying my right to a hearing. It was a small issue, but it illustrates that people with disabilities must be involved in their local communities.

I have some advice, first to the employers, both large and small. Don't look to the disability first. Apply the same criteria that you apply to everyone else to disabled job applicants, disabled employees who wish to go up the ladder, and disabled people being considered for job benefits. Are they doing their job?

The ADA says you have a right to look at the impairment versus the function to determine whether people are qualified. That doesn't mean you look at the disability first. In fact, it means something very different. It means you look at the **jobs** first. Look at your job descriptions, look at what the job really means and what functions need to be performed, and then

evaluate the candidates in that context. Don't be afraid to confront the issue.

About three years ago I traveled to Albany, New York. After I got settled in my room there was a knock on the door. When I went to the door I discovered that someone, as a reasonable accommodation, had lowered the peephole so a person in a wheelchair could use it. Well that was a brilliant idea, but the person on the other side of the door had not been lowered! All I could really tell was the gender of the visitor.

I thought to myself, "Nobody ever asked **me** about this!" If someone asked me, when they were **modifying** a hotel room, "Would you rather use the bathroom or the peephole?" I would be pretty clear about it. And I am sure that 99 percent of people with a disability would be equally clear. I would prefer you raised the desk a couple of inches, or bought a handset with an amplifier for the hearing impaired, or made sure the bathroom had plenty of grab bars. So when we talk about reasonable accommodation, I think of that hotel chain hiring someone to travel all over the world and drill lower holes in the doors. It was a waste.

The very best resource for employers is the people with disabilities in their employ. They are not the "experts," and they are not the consultants: they are the folks who face the obstacles every day. Remember to look to those folks for guidance.

I also have advice for all members of the disability community here and throughout the country. We need to sell our skills. We need to know what our skills are-not because we took a test administered by the state, but because we confront our failures and our successes on the merits, like everybody else who learns. We need to be able to sell those skills in the marketplace.

We also need to accept the fact that we are now playing by the same rules. That sounds easy, but many of us grew up in a time when we were told we were "special." The other side of having civil rights is not just exercising them, but taking responsibility for them. We need to have an impact in the community, and we need to set high but attainable goals.

I was in Russia last October, in Moscow and in beautiful Novosibirsk. I talked to people there about the ADA and services to people with disabilities. Talking about services to people with disabilities in a country going through such chaotic economic upheaval is kind of like complaining about the waiter service on the deck of the Titanic. But people with disabilities came from miles around, and they asked the same questions we asked 15 years ago: "How do we organize transportation? Where can we fit into the workforce? How do we convince people that we can live independently and seek our own destiny?"

We are very lucky to be where we are now, but we are leading the race. I think that to continue to lead the race, we need to understand each other. That is probably the key.

WORKSITE MODIFICATION: Art, Science, or Witchcraft?

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Note: Dr. Leslie recommended that this article be included in the conference report.

Does the title sound somewhat flippant? Maybe so, but any discussion involving the utilization of technology to enhance the productivity of persons with severe disabilities must take into consideration that there is not a unified body of knowledge specifically related to this subject. Also, **worksite** modification is not represented by a common body of professionalities. Persons with backgrounds in electrical, industrial, or mechanical engineering; industrial design; and occupational therapy can effectively perform **worksite** modification. In fact, “gadgeteers” with little or no formal technical training can be very effective in this field.

Professionals working in **worksite** modification say, somewhat whimsically, that their clients come “in groups of **one**.” This may be a trite expression, but there is a large degree of truth in it. Contrary to the traditional medical role of rehabilitation engineering, designing for productivity in the **worksite** involves more than a medical diagnosis. A functional description of the task, compared to the person’s capability, demands that each individual situation be analyzed as a separate problem with a unique set of knowns and unknowns.

The point is that there is not a specific “cookbook” that can be taken off the shelf to give specific answers to the vocational problems confronting persons with severe disabilities. It is a matter of the practice of traditional engineering and rehabilitation disciplines combined with experience, common sense, and gut feeling.

Is it all doom and gloom? No. Although this field of endeavor requires a lot of original, creative thought and custom application, there are a series of generic statements that can be made relative to the application of technology to employ persons with severe disabilities in meaningful jobs. The following paragraphs will examine a series of general guidelines that must be considered if we are to be successful in this business.

In effective **worksite** modification, it is mandatory that a functional evaluation be made of a disabled person's capability and the person's profile matched with the tasks of the intended job. The Wichita Rehabilitation Engineering Center (REC) has developed the Available Motions Inventory (**AMI**) to perform a functional evaluation of potential workers in blue-collar jobs. **While** this evaluation hardware/ software is quite sophisticated and is being refined daily, gaps remain in the general area of functional evaluation of disability. Dr. George Kondraske and his colleagues at the Rehabilitation Center at the University of Texas-Arlington have developed a similar, more sophisticated type of apparatus to measure the capability of disabled individuals on a more microscopic scale.

The point is that an evaluation system must stress persons' capabilities and not their discapabilities. Traditionally, in the medical realm, one is told what a person cannot do. Successful **worksite** modification requires objective, definitive knowledge of what a person **can** do.

What has been sorely lacking in the field of vocational rehabilitation is a functional definition of what constitutes a person with a severe disability. The author's experience has largely been associated with people who have been classified as severely, multiply physically handicapped. In most cases, vocational rehabilitation professionals classify these people as unfeasible for employment.

Business and industry must be made aware of the fact that this population can be productive in a mainstream work environment with the judicious application of low-cost technology. Persons with moderate physical disabilities can be put to work with minimal **worksite** modification. However, people with multiple physical disabilities, such as those with cerebral palsy, may require extensive modification of the **worksite** as well as an aide and attendant for personal care needs. At the outset, when dealing with the application of technology to employment, we must functionally define the level of disability of persons to be served.

We must also distinguish those persons handicapped through congenital disabilities (developmentally disabled) from those individuals disabled through trauma at a later age. In many cases, it is quite simple to design an adaptive device to allow trauma victims to return to their old job. These individuals probably have the social/educational backgrounds to seek employment. But because of their disabilities, they lack the physical skills to be productive at their prior places of employment.

Disabled people with a proven employment track record, an educational background, and a marketable skill represent a different problem from congenitally handicapped persons who have little or no social/educational experience. In many instances, congenitally handicapped persons have lived in a sheltered environment. If they have an education, in many cases their educational credentials are “**phony**.” Congenitally handicapped persons require a maturation process to become productive on the job. Even though trauma **victims** may have psychological and emotional problems associated with their disability, in most cases they have had work experience. Most **congenitally** handicapped persons have not.

Clearly, the problems confronting various client populations are different. Some problems may be entirely technical: some may be technical, educational, psychological, or combinations thereof. Professionals in the field of workstation modification should recognize these individual differences. They may have to call on members of a rehabilitation team to assist in dealing with problems beyond their realm of technical expertise.

When applying technical principles to enhance the productivity of persons with severe disabilities, we must make the results of our work pragmatic and available to all segments of business and industry. In many cases, the small mom-and-pop industry can better respond to the needs of a handicapped person from a humanistic point of view. However, many of these organizations are inadequate as far as their work practices and tooling are concerned, even for their able-bodied employees.

As successful practitioners in the field of vocational rehabilitation engineering, we must not make the results of our analyses so sophisticated or costly that the **small** organization cannot apply them. In other words, the best application of technology is a **simple** application. If a design or device works, it has a lot going for it. In quasi-scientific terms, **worksite** modification can be classified as hi-tech, low-tech, and no-tech. Studies by the Berkeley Associates have proven that most of the **modifications** used to make persons with severe disabilities productive on the job are very inexpensive, costing \$200 or less.

Industry must be made aware that, in most cases, **worksite** modification for the person with severe disability results in a job being performed more efficiently by the able-bodied person. But the game must be played by the rules. That means able-bodied persons cannot be hired to substitute for handicapped persons whose workstations have been modified. It has been the author's experience that this occurs on occasion when business and industry realize that a modified **worksite** is more efficient. They are able to get more productivity out of an able-bodied worker using devices developed for a person with a severe disability.

When **examining** any literature related to **worksite** modification, the reader is strongly encouraged to question the cost of the adaptation and who paid

for it. Even though low-tech and no-tech modifications may be quite inexpensive, if there is no source of funds, the issue is a moot one.

Any discussion of **worksite** modification should examine the employment model being studied. If disabled persons are in a mainstream work environment, we should question the **longevity** of the tasks they will be performing with their adaptive device. A custom adaptive device or **worksite** modification for a job that may not exist tomorrow does not pass an elementary economics test. Since **worksite** modification (particularly for severely physically disabled persons) may require custom adaptation, it is imperative that the employment commitment be of long duration. However, subsequent modification may also be important when individuals with functional impairments are promoted or transferred.

An associated question relates to the **profitability** of the job in question. If the service or product being performed or produced by disabled individuals is not profitable, it does not make sense to adapt persons with a severe disability to increase productivity resulting in greater losses for the firm. Since it may be extremely difficult to cross-adapt or cross-train severely disabled persons, the work being performed must be profitable to the organization. Otherwise the disabled persons will work themselves out of a job.

There currently is little or no motivation on the part of business and industry to employ severely physically or mentally disabled persons. As stated earlier, post-trauma victims with a reasonably sophisticated social and educational background and a marketable skill can be employed with appropriate adaptation. Severely disabled persons, handicapped from birth without a salable skill, provide a much greater challenge because the potential employer is largely dealing with an unknown quantity.

Recent legislation passed by Congress requiring the use of rehabilitation engineering in the vocational rehabilitation process should go a long way to alleviate the problem of providing technical solutions to human productivity. However, without appropriate tax credit incentives and rigidly enforced quotas that would encourage industry to provide aide and attendant care, and professional staff in-house to deal with the problems of persons with severe disability, there never will be significant numbers of **severely** handicapped employed in mainstream industry.

Several corporations, such as DuPont, Sears, IBM, and AT&T, have outstanding records of employing handicapped people. However, if these records are examined under close scrutiny, it is discovered that a unique set of circumstances have been present to ensure each disabled employee's success. Unfortunately, for the vast majority of handicapped persons this has not been the case.

To ensure productive employment, the satellite systems that support employment must **be in** place and must be effective. Adequate

transportation to and from work is an absolute must to facilitate success on the job. As previously mentioned, aide and attendant care may have to be provided at the workstation. Accessible housing and community recreation are both important requisites for meaningful employment. People do not work for money: we work for what money will buy. Handicapped persons who do not have appropriate housing and recreational opportunities are not whole persons. This creates emotional problems resulting in unhappiness at home-which unfortunately translates to unhappiness on the job. Unhappy people are not productive employees.

Until now, professionals applying technology to human productivity have stressed the problems confronting severely physically handicapped persons. The successful vocational rehabilitation engineer must also realize that the sheltered work centers of this country employ tremendous numbers of mentally ill and retarded persons. Therefore, the broad application of technology to vocational problems should not concentrate only on those confronting physically disabled persons.

In many cases, the **worksite** modifications associated with people with physical disabilities can be effective for those having mental retardation or mental disability. The mere act of making a job simpler and easier to perform allows mentally handicapped individuals to become productive. Many, if not most, work centers are undercapitalized and are not staffed by persons with technical backgrounds. Literally tens of thousands of mentally disabled persons can be productively employed through rehabilitation technology. Therefore any information generated on **worksite** modification must not be limited only to mainstream industry: it should be shared with all agencies employing both physically and mentally handicapped persons. This is a segment of the handicapped population that the profession must not neglect.

Effective **worksite** modification involves a team approach. Psychologists, vocational rehabilitation counselors, and medical personnel may be members of the team because "people failures" may preclude technical success. Adaptive devices may be beautiful technical achievements and markedly improve human productivity. But if persons exhibit inappropriate behavior on the job, their continued employment will be jeopardized. For persons with a severe disability, a cadre of support services may be required. These individuals may require accessible housing, transportation, or aide and attendant care. Before even considering productive employment (particularly in mainstream industry), the rehabilitation **team** should ascertain whether these support services are in place in the community and-more importantly-can be funded through a financial source with a high degree of longevity.

If **significant** numbers of persons with disabilities are to be employed in either mainstream or supported employment, employer attitudes must be modified-not through emotionality but through pragmatism. A bleeding heart approach destroys the credibility of the concept of **worksite**

modification, because rooted in the concept is the fundamental idea of human productivity. The employer (be it a mainstream industry or a sheltered work center) and the employee's foreman or supervisor must have the same expectations for disabled persons as for their able-bodied peers. While reasonable accommodation is certainly a meaningful term, this accommodation must not be carried to the extent that persons with severe disabilities are not carrying their own weight as productive employees.

The above concepts are philosophical and esoteric. What about the specific methodology required to put a severely handicapped person on the job? If we examine the fundamental action elements associated with white- and blue-collar employment, two basic tasks emerge as prominent. The **first** involves the concept of machine activation: turning something on or off. This is by far the easiest **worksite** task to be modified. Activation devices may consist of magnetic switches, photoelectric switches, puff-sip switches, mercury switches, ultrasonic switches, etc. These devices are typically wired in parallel with the apparatus' traditional mode of activation so the machine can be operated by able-bodied persons during other shifts. This is relatively simple to accomplish.

The second task involves materials handling, a far more difficult problem to solve. Persons with dysfunctional hands have difficulty handling material. Typically these problems can be solved by positioning hardware consisting of hydraulic and pneumatic holding and clamping devices or electro-mechanical positioning **fixtures** with appropriate electronic logic.

The Wichita REC is experimenting with the use of simple robotic arms to perform material handling. Functional evaluation, giving the rehabilitation engineer an indication of the physical capability of the handicapped client, is absolutely mandatory to establish menus of material-handling devices. Specific applications of devices used in the white-collar vocational setting include typewriter paper feeding devices, paper guides, keyboard shields, and templates.

"Lazy **Susans**" with height and width adjustments can be developed to accommodate wheelchair workers in both blue- and white-collar environments. Special keyboards using head sticks and mouth sticks to enable the disabled person to operate a computer, type, and sort **files** are being developed by the Wichita REC.

The application of vocational rehabilitation engineering and the use of technology to enhance the employability of persons with severe disabilities is an idea whose time has come. NIDRR and RESNA are two national agencies promoting **technology** in vocational settings. As indicated previously, legislation recently passed by the U.S. Congress will go a long way to facilitate the use of technology to assist handicapped persons who aspire to a job. The concept of professional certification and licensure to ensure **high-**

quality services will have to be examined in the next several years to prevent profiteering “quacks” from entering the field en masse.

Sources of rehabilitation engineering talent include graduates of four-year accredited programs in mechanical, industrial, and electrical engineering, as well as persons with a background in industrial education/technology and occupational therapy. Community college graduates with an educational experience in engineering technology, pre-engineering programs, and industrial education also can be effective in the field of **worksite** modification. For handicapped persons living in rural communities, high school vocational education personnel (shop teachers) can be effective in this field because they have a firm knowledge of the pragmatism of technology. Senior project students in both two- and four-year engineering programs, as well as vocational education students in two and four year programs, also can be effectively used to undertake specific vocational rehabilitation projects under the direction of a faculty adviser.

In addition, professional societies such as IIE, **ASME**, and IEEE will perform community service projects to accumulate national chapter development credits for their local chapters. Typically, these organizations are looking for applications of technology to assist humankind. The annual reports of the **RECs** and Rehabilitation Research and Training Centers sponsored by NIDRR are excellent sources of information on the application of rehabilitation engineering. Not all of them have a vocational objective, however.

Needed inputs from rehabilitation professionals relative to the challenges of vocational rehabilitation engineering revolve around the following questions:

- What will be the demand for vocational rehabilitation engineering services?
- Is the service necessary? (Apparently Congress thinks so.)
- **Who will** fund rehabilitation engineering?
- Who pays, and how much?
- How will a service delivery system be developed?
- How will services be provided, and to whom?
- How will service delivery organizations be developed?
- How will billing procedures be developed?
- Will the system function within the traditional medical model or be a “stand-alone” organization?

This is an exciting time. **Worksite** modification to enhance the productivity of persons with severe disabilities should result in the marketing of services through research utilization networks fostered by national legislative support. The time has come for professionals in this field to stop bantering and begin to exert a positive influence that results in handicapped persons getting meaningful, productive jobs. The consumers must benefit. They should demand no less.

CONTRIBUTIONS OF K-12 EDUCATION TO EMPLOYMENT OF PERSONS WITH DISABILITIES: A Futuristic Perspective

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Note: In summer 1992, Dr. Meyen will begin duties as the Executive Vice Chancellor of the University of Kansas.

A while ago I heard someone ask, "Who's the speaker tonight?" Someone else answered, "I'll bet that whoever it is wishes Senator Dole could be here." I **do** wish the senator could be here. I also want him to be in good **health** and to be back on the Senate floor where he belongs for a good many years.

If he had been here this evening, he would have talked very directly with you as an advocate for persons with disabilities, and he would have listened to your ideas. I have had an opportunity to work with the Dole Foundation for the past several years and to serve on the committee that makes decisions on grant proposals. I can assure you that the senator has been influential just by the tone he has set for the foundation. He values what happens in communities. He is oriented to the programs you represent, and he seeks grass-roots solutions to problems.

I asked a number of people for suggestions on my topic for tonight, and their answers were consistent. They suggested I talk about the influence of public education on the employment of persons with disabilities, with the caveat of a futuristic perspective.

Unless you are different from most Americans today, you are concerned about education. But as we move into a new era of educational reform, the rules are about to change, and we need to think about those rules. We need to ask whether this reform movement will ensure that the quality of education applies to all students, including those with disabilities. I say this knowing that the focus of most reform initiatives is aimed at improving the **work force, and that students with disabilities should be central to the work force.**

I would like to pose a question and then attempt to **frame** a response. This might help us think about how education must be shaped to better prepare young people with disabilities for the future.

Before posing the question, it is important to build a context. That context is the national scene in educational reform today. We have a history of periodic reforms in education, and most are brought about by public frustration. The difference in the reform climate today is the relationship of educational reform to the nation's economy.

There are two dimensions on the economic side. One relates simply to the economic health of communities and states, and this comes into play when we are faced with paying for high-quality education. I am not talking about equity across all districts or across all states: I am simply talking about paying what it costs, at a time when states can hardly afford the infrastructure of their cities.

The second dimension is our diminishing international competitiveness. The private sector and many public policy makers maintain that the quality and nature of our public schools is the reason other countries have moved ahead of the United States in producing a work force that is competitive in international markets. They cite the superior performance of students in other cultures, and they tie that to the quality-or lack of quality-of our public schools.

If we set aside the problems of making such comparisons, it seems to me that we must recognize that most of the reform initiatives are being driven by economic motives, not philosophical shifts in the values and beliefs of our society about education.

We could spend hours debating whether I am right or wrong about this economic influence. However, to the extent that my position has some validity, I submit that there are many significant implications for the future. If we don't think about these implications, the work force of the 21st century may be a far better work force, but it may not be a **representative** work force.

When educational reform decisions are driven by economic concerns, the results are not unlike what happens in the business world. Corporations sometimes focus on short-term results, such as a better balance sheet and a trim work force. But corporations don't **always** look at the welfare of the worker or the community when they cut that work force. Remember, in business terms the per-unit cost of educating students with disabilities is high. In business terms, what are the returns?

I am not trying to be unfair to the private sector, but the economic concerns of the private sector are largely driving this whole reform movement. In the public media we are beginning to see arguments for change in education

policy-arguments based not on democratic values or school effectiveness but on strictly economic factors.

Think for a moment about what is happening to young people with disabilities. The dropout rate among students with disabilities already exceeds 30 percent. Students with disabilities have a 35 percent chance of finding full employment. Many persons with disabilities who are employed are **under employed**. Special education graduates typically earn minimum wage or less. In addition, post-secondary options for training in transition to the community are less in quality and quantity than we would like.

This is the question I want to ask: As advocates for students with disabilities, what concerns should we have about the educational reform movement today, knowing that today's reforms may be the standard practices of tomorrow?

You can pick up any newspaper in the state of Kansas, any morning, and find references to three or four different education reform movements. There is no shortage of suggestions. This is a serious and complex question. It is also one that the public tends to overlook.

I recognize that the economic and work force problems we face in this country are extremely serious, and I am a supporter of most reform initiatives. But the point I wish to make is that basing educational changes on economic concerns alone may work to the disadvantage of students with disabilities.

As professionals in special education, for example, we are doing what we have always done: We carve out our turf and overlook what is going on in the larger picture. We also often overlook the fact that parents and the private sector are concerned with other big issues, not just ours.

As a dean, I try to be involved in and understand the reform movement. As a special educator, though, I am particularly sensitive to the implications of reform initiatives for students with **disabilities**. On the surface, one would assume that any improvement in education would benefit students with disabilities and enhance their opportunities for employability, but I am not sure that is the case.

When you read the reform reports (there are probably 400 by now), listen to discussions and legislators, and read the news, you will always see and hear the term "all students." But I am not convinced for a moment that any of the reform groups, when they frame the language of reform, really have all students in mind.

If you want to test my "theory of all students," listen to the discussions about reform. When the reformers talk about all students achieving **world-class** standards, or eliminating all dropouts to achieve 100 percent graduation, or preparing all students for competitiveness in a global society,

or engaging all students in challenging subject matter, ask this question: Who are you including in “all students?” I submit that they haven’t always thought about it. The phrase just sounds good, and it has become an unfortunate cliché in reform language today.

The key is, are we willing to invest resources and time to ensure that all students benefit from reform? If we have learned anything over the last 30 years in advocating for educational change on behalf of students with disabilities, it is that we cannot take anything for granted. While I am a strong supporter of most reform initiatives and believe that significant progress will be made in education over the next decade, I am not convinced that the benefits will be equal. The public policy makers and the private sector will be content as long as there is an overall gain in the performance of American students and an overall improvement in the quality of the work force.

We know it is possible to improve performance in education by focusing on just 35 or 40 percent of the students. That is not a cynical statement: it is a realistic observation. We are facing problems. But we have tied the sources of the problems, and the solutions, to education.

Now let me comment on some specific examples in the reform movement and their implications for persons with disabilities.

National standards. I had the opportunity to serve on the National Council on Education Standards and Testing. Last week the council issued its report, calling for national standards in math, science, history, English, and geography. The question is whether students with disabilities should be held to those national standards.

Some would say that they should not, but I submit that they should. The alternative is called tracking. Tracking is the reason some other countries do so well. They make early decisions on the educational future of specific children. We have argued against that in this country, so I argue that national standards ought to apply to all our students, those with disabilities included.

National assessment. There are recommendations in Congress suggesting that **if** we have national standards, we ought to have national assessments. It makes sense. The question is, should students with disabilities be **part** of the national assessment program? During the **1980s**, when we pushed for minimum competency testing, in almost every state we exempted students with disabilities.

If national testing is going to turn this country around in terms of educational effectiveness, why deny the benefit to students with disabilities? Some people argue that these students don’t need any added stress, or that we don’t have appropriate tests. But if we exempt them, we will **never** have the tests: the pressure to produce them will be gone. We need to hang in

and keep the system responsible, so that over time we develop assessment practices that allow all students to display in some way what they know.

High stakes on students. This is an attitude permeating the private sector. It means putting accountability for success or failure entirely on the student. If the student doesn't do well, it is the student's fault. He won't get into his chosen college: she won't find a top-notch spot in the work force. Some countries have taken that route, but I don't believe high stakes on students is what we need. Think about its implications for students with disabilities.

Diversity. This is a multicultural country. There is probably not a single reform initiative in any state legislature or in Congress that doesn't focus on the diversity of our country. What does a student with a disability introduce into an instructional setting? Diversity! But the focus on diversity is not broad enough. We need to applaud the focus on diversity, push it out front in terms of instruction, and include students with disabilities in our definition of diversity. If not, 20 years down the road we are going to end up where we were 20 years ago: having to advocate again for the needs of diverse populations. Diversity is a critical factor in improving instruction, but let's be inclusive of all students who contribute to diversity.

Site-based management. Nationally this is probably the number one reform initiative. Site-based management means allowing teachers, parents, and the community to have far more involvement in decision making at the building level in the operation of schools. It makes sense in many respects.

We have worked hard to educate legislators, state education policy makers, and district administrators on the needs of students with disabilities. But with site-based management, you have a much broader base of people involved in making decisions on resources. Consequently, you have a different task in terms of educating those decision makers.

We want to ensure that the decisions benefit all students. But if 95 percent of the parents involved, and 95 percent of the teachers involved, have a history of working with students without disabilities, and they are making decisions with limited resources, there are dangers. Site-based management already is an operational strategy in many states, and it is a good one. But think about its consequences if the needs of students with disabilities are not considered.

Alternative certification. Alternative certification broadens the opportunities for people to enter the teaching force. It focuses on subject matter and experience. If you have worked in a field for some time, the assumption is that you ought to be able to teach it. Already, many states have passed legislation that allows those individuals, with a small amount of additional training in education, to go into the teaching force.

Most states have exempted alternative certification for special education. Special education teachers will have to be professionally trained, as they are now. So we are safe-right? Well, the majority of students with disabilities are taught by regular classroom teachers. If they are going to function well in a regular class, they need a teacher who understands motivation, development, diversity, and the organization of tasks, not just a given subject.

In a **reform** movement driven largely by economic issues, the circumstances are different. They are particularly different for those of us who are concerned about children with disabilities. Even though the reform programs have the language of inclusiveness, how they accommodate or impact the education of students with disabilities has not always been considered.

Now we are in the midst of a reform movement intended to produce a better work force, and I am strongly convinced that education has the capability to do so. But we need to ensure that persons with disabilities have their rightful place in the work force of the 21st century. That is not going to happen in the reform movement, as fast as it is rolling, unless we begin to raise some questions and become a far more direct participant **than** we are today.

PARTNERSHIPS: TODAY AND IN THE FUTURE

Judy Hearn
President and CEO
Kansas **Elks** Training Center for the Handicapped
Wichita, Kansas

It is very good to be here. My topic is partnerships, a complex and **all**-encompassing area. I will do my best to cover what I feel are some basic ideas in the partnership concept.

The history of KETCH is rich with partnerships with the people who receive services from our organization: Kansas Rehabilitation Services; rehabilitation agencies and organizations across the state; advocacy groups; numerous foundations and accrediting and licensure bodies and entities; representatives from business and industry; education; employees; and a multitude of federal, state, county, and local funding agents.

KETCH is 27 years old, and it is the major project of the Kansas Elks Association. The mission of KETCH is to provide programs and services that enable people who have special needs to become all that they are able to become at work, at home, and in the community. The special interest of our organization is job placement in the community.

We serve people age 16 and above who have differing disabilities and many capabilities. We provide job placement through community-based employment programs, which include supported employment, transitional employment, industry-based evaluation, and on-the-job training. We also carry out a work services program, wherein individuals at our corporate headquarters in Wichita are provided vocational training through prime manufacturing and other **types** of work opportunities.

Beginning in 1982 **KETCH**, in concert with Senior Services of Wichita, developed a senior employment program. Some of the people we serve in the senior employment program, of course, are individuals who have disabilities. We also provide residential programming for those people.

We have three separate boards of directors as well as the Kansas Foundation, a group of local business and industrial representatives whose primary function **is** fund raising and public relations for the organization.

Over the years, the training center has served approximately 25,000 persons, **the majority being individuals with disabilities.**

The premise of my presentation this morning is this: Discrimination is the primary barrier to the employment of persons with disabilities. Government rules, laws, and regulations are only part of the solution. Another part of the solution is for us to establish meaningful partnerships, focusing particularly on business and industry.

Working to achieve equal employment opportunities is an important social priority for major institutions in the United States, and taking action to overcome this discrimination is required by law.

Like many other social problems facing business, employee discrimination came to national attention in a vivid way in the 1960s and '70s. The civil rights movement focused on the exclusion of Blacks from equal opportunities in education, public accommodations, and jobs.

The women's movement had been dormant for years. During those decades it stirred itself and once again began to focus on equal rights for women, including job rights. Older employees, people with physical and mental disabilities, various ethnic groups, and members of some religious groups maintained that they had suffered discrimination related to work.

The origins and causes of discrimination against these groups are numerous and complex. However, one observation holds true across all of these groups: In one way or another, the discrimination itself is embedded in the cultural value system and long-standing historical conditions of society.

I believe this point is very important when we consider possible remedies for workplace discrimination. This point will also help us avoid superficial theories about whom to blame. The truth is that no one group in society is responsible for the prevalence of discrimination, including business. It also means it is unlikely that there will be one solution to the situation. When social problems of this complexity go on for a long time, the only feasible and practical approach is a many-sided approach that includes all principal institutions.

Human culture has long-standing traditions that have created tensions among groups of people, and those tensions are not easily or quickly dissipated. Long-term solutions tend to be the rule in these circumstances. So I am suggesting to you that the formulation of partnerships is one **long-term** solution to the alarming problem of high unemployment among individuals with disabilities, a problem brought about by discrimination and lack of awareness.

During this conference you have heard much about government regulations and the Americans with Disabilities Act. Such regulations are important, but they can only take us so far. Beginning on a major scale in the 1960s, United States presidents issued directives and enacted laws intended to improve equal employment opportunities. The most important of these laws were the Equal Pay Act, the Civil Rights Act, the Age Discrimination Act, the

Equal Employment Opportunity Act, the Education Amendments Act, the Vocational Rehabilitation Act of 1973, and of course the Americans with Disabilities Act of 1990. These government rules apply to businesses, educational institutions, non-profit organizations, state and local governments, organized labor, and government contractors as well.

In spite of this government intervention, American society and the American business system still have much to do if the ideal of equal employment opportunity is to be fully realized in this country. Significant gains were indeed made during the 1970s and '80s as a result of legislation, improvement in attitudes, and sincere efforts on the part of business and government. But I don't need to tell you that discrimination is still alive and well, and that minority joblessness continues to be one of the most difficult problems we face.

We cannot solve the problem or overcome these tremendous barriers in isolation. We must form partnerships so we can engage with, associate with, and link up with corporate America. The modern business corporation is one of the most powerful institutions in the world. Its productive output constitutes much of the material wealth of the world and its jobs provide a livelihood for millions. For most people it provides psychological shelter and comfort, as well as material support and security.

Business corporations embody many of the central values of society, and from their laboratories and technicians comes a constant stream of new products and services. Corporations' managerial expertise is copied by many institutions worldwide, and people from corporations serve as trustees and board members of many religious, charitable, and educational institutions. No one can doubt the key role played by corporations in improving the quality of life for many people in this country.

Socially we have been committed to spending money to rehabilitate people with disabilities, but commercially we have not been fully committed to hiring them. On the one hand government at all levels has been willing to invest time and money in rehabilitation. On the other hand business, industry, and government have not been ready to take advantage of that investment.

One of the major reasons for this contradiction is that historically there has been little interaction between rehabilitation practitioners and the business community. However, both communities are beginning to realize that they can indeed assist one another and in so doing make a profit. By cooperating, they can serve their own interests and those of society. This moves beyond the notion that wealthier members of society should be charitable and take care of the "less fortunate."

Some companies across the United States have decided to pursue social goals as a way of doing good and making money at the same time. Control Data Corporation is an excellent example. Control Data is headquartered in

Minneapolis, and during the 1980s and '90s the firm built inner-city plants in Minneapolis, St. Paul, and Washington, D.C. These three plants have proven profitable, have provided jobs for inner-city residents, and have impacted the economy in those areas.

In addition, Control Data has a sophisticated community-based learning program called PLATO. This program spurred training for individuals with disabilities in more than 100 learning centers in partnership with the Rehabilitation Services Administration and state vocational rehab agencies.

Control Data's administrators believe the solution to the unmet social needs in this country depends on corporate America assuming a new role. They believe corporate America must use its vast resources more efficiently by taking the initiative, in partnership with other sectors of society, to address unmet social needs and view them as profitable business opportunities.

People with disabilities are reliable, competent, motivated people who want to succeed at jobs. They want to be personally independent and contribute to society. As they enter the job force, people with disabilities are screened at least twice-once by rehabilitation services and once by the employer. Often they are also screened by the rehabilitation provider. Successful corporations such as Kreonite, which you heard about earlier in the conference, have made the hiring of workers with disabilities a routine part of their personnel practices, with no significant costs or inconvenience.

Disability really is a matter of perception. Being unable to participate in our society is what prompted, in part, the Americans with Disabilities Act. It also prompted a number of other types of partnerships, such as the National Organization on Disability (NOD), which includes people who have disabilities and people who do not. NOD is dedicated to expanding the mainstream participation of persons with disabilities in society. These people work together to develop goals and carry out programs, and in doing so they make both public officials and business and industry representatives realize that they may be depriving themselves of valuable human resources by under-utilizing workers who have disabilities. These groups seek to foster more acceptance of disability as part of the human condition.

Cooperation through partnerships will be an important key for future work force participation for people who have disabilities. The stage has been set by rehabilitation legislation, one of the most important pieces being the Rehabilitation Act of 1973. Federal initiatives developed through that legislation include a program called Projects With Industry (PWI). Other legislative efforts encouraging partnerships include the Targeted Job Tax Credits, which unites employers and organizations serving people with disabilities.

The Projects With Industry program throughout the United States is an exemplary model of the partnership concept. PWIs are designed to prepare

people with disabilities for competitive employment, and to conduct job development and placement activities to ensure employment. Federal grants, often supplemented by state vocational rehabilitation agencies, are made available to a variety of organizations, including trade associations, rehabilitation organizations, labor unions, and state agencies. There currently are 100 of these projects across the country.

The programs fall into four basic models: the work adjustment model, the job placement model, the skills training model, and the linkage model. The Fountain House in New York is an excellent example of the work adjustment model. IBM is a good example of the skills training model. Electronic Industries Foundation typifies the linkage model. At KETCH and throughout Kansas we use the direct placement model.

The Projects With Industry program in Kansas is a partnership program between Kansas Rehabilitation Services and KETCH. The program has made great progress, and we attribute that progress to intense involvement on **the part** of representatives from business and industry who have served as the senior partner in the enterprise.

We have worked together to develop a number of employer groups **that** assist us in developing programs and policies and working directly with people who have disabilities. As a result of that partnership, more than 10,000 people in Kansas have been job-placed over the last 15 years.

From the onset, we wanted to get away from shoe-horning people into jobs. We have worked hard with Kansas Rehabilitation Services to match up the aspirations and capabilities of people so they could go into many different kinds of jobs, earning a wide range of salaries. A minimum of 1,000 employers across Kansas engage in a meaningful way in our work.

The FWI initiative in Kansas, as well as across the United States, was directed toward the work environment. In this program, we have seen a transition from services oriented to the person to rehabilitation of the work environment. The clear message is for change and for action on **behalf of** people with disabilities, rather than **to** them. We believe service providers need to rethink and reshape the roles they have traditionally used, so that considerably more effort can be directed toward the employment environment. This must be done without diluting current employability development services for people with disabilities.

The Americans with Disabilities Act is constantly referred to as the most important piece of legislation relating to people with disabilities that Congress has ever enacted. When work was started on that legislation, the barriers of ignorance, prejudice, segregation, patronization, apathy, and disability meant an entire life behind the walls of an institution. A wall of **prejudice divided many thousands of people with disabilities from the rest of** the world. Together we have begun to tear down that wall and sweep away

the barriers. The act itself is now the law of the land because of the vision, efforts, and extraordinary activism of Americans with disabilities.

I believe the passage of the ADA represents an outstanding partnership. For the first time in the 17 years I have been in the field, we saw groups that previously had been splintered, with differing agendas, come together in a powerful force that made passage of the act possible.

The act itself is about breaking down attitudinal and **artificial** barriers that prevent people with disabilities from participating in the mainstream of American life. It means people must be judged on their abilities and qualifications, not on the basis of fear, ignorance, and prejudice. It also means that the construction of architectural, transportation, and communication barriers no longer will be tolerated in society.

The act empowers people to make choices, and creates a good framework for independence and self-determination. Under the act, people with disabilities are expected to live in their own homes, play in their communities, shop, pay taxes, and vote, just like all other citizens. The act mandates the acceptance of diversity. We are not all alike, and we should be treated as individuals. Society must come to understand that people with disabilities, including people with severe disabilities, have capabilities.

The ADA mandates the acceptance of diversity. Mandated or not, an attitude is a hard thing to change. Pre-judgments, myths, and false assumptions about people have developed over hundreds of years. It will take time to change attitudes, but I don't think it will take 100 years. It can't, because we have at our fingertips approaches that can be utilized to change attitudes. **The** crucial question for many is, where do we start?

We need to start with an intensive educational process. We need to expose the gatekeepers, the corporate executives, the people in positions to hire, to the advantages of using people with disabilities. We need to educate them regarding the capabilities of people with disabilities, the nature of disabilities, and the diversity of people who have disabilities. We need to educate them by providing role models of successful disabled people who are working at important jobs. We need to talk to them about technology, assistive devices, and medical services that can make people fruitful at their workplace.

We need to increase our interaction with people from business and industry, and we need increased interaction on the part of people who have disabilities. If we are developing business advisory councils to engage industry in rehabilitation, we must not ever exclude people who have disabilities. That is a primary way to demonstrate that people with disabilities are **people** first, and that they do have capabilities.

We need to increase the knowledge base of our customers. We need to provide them with the multiplicity of resources available to us in the way of

films, experts, books, and slide presentations that can help them solve their problem. We have been doing that at a certain level, but the effort needs to be intensified.

These changes will not occur in isolation: partnerships are going to be of the utmost importance. It is incumbent upon us, as rehabilitation professionals, to forge opportunities to dialogue with business and industry. It is up to us to provide educational forums wherein attitudinal adjustment can occur. It is up to us to discover ways to involve industry in the process of rehabilitation.

It is obvious from all indications that the next 20 years are going to be challenging for our society and for employers in particular. In spite of the country's enormous wealth, we are not going to be bountiful. An increasing population, rising energy costs, inflation, recession, international competition in the marketplace, quality-conscious customers, and corporate watchers will all have the impact of squeezing employers.

The government will play an increasingly major decision-making role in private business. This will be true, not because the private sector cannot get its act together, but because of the heightened expectations of society, decreasing employee loyalty, and increasing pressure from groups who have not gotten their share in the past.

Over 35 million people with disabilities, their families, friends, and advocates are a lot of voters. These voters will increasingly pressure government to act. They will increasingly pressure the private sector. The muscle of that political force, certainly a sleeping giant, was manifest in the passage of the Americans with Disabilities Act. The prodding that caused legislators to act and administrators to write is a force. That same force **will** continue to exert muscle in the area of enforcement of the regulations as well.

Finally, remember that employing people with disabilities is good business. Preparing people for employment in the world of work is also good business. So in spite of the challenges that face us, the time is right. I just noticed in the newspaper that the Marcus Center at Wichita State will now install elevators, restrooms, and parking spaces for people with disabilities. And the **MTA** here in Wichita plans to add lifts to the buses and to call out stops.

The time is right for attitudinal change. Justice, although slow, is emerging. We have a lot of work to do. As Martin Luther King often said, the arch of the universe is long, but it bends toward justice. We feel we are moving in that direction, and I hope you feel the same.

PERSONAL ASSISTANT SERVICES: Social Security PAS Plan to Achieve Self-Support and Vocational Rehabilitation

*Tim Steininger
Student
Dodge City Community College
Dodge City, Kansas*

Before I begin, I would like to introduce my aide, Robert Graves, who has been with me for about two and one-half years. He will assist me throughout my presentation.

I imagine all of you are aware by now of the fact that the Americans with Disabilities Act became effective as of January 26. This law is intended to allow individuals with disabilities the opportunity to participate in the mainstream of American society.

However, a comprehensive national system for personal assistant services is needed. Until then, the ADA's promise of inclusion will remain an empty guarantee. While the ADA outlaws discrimination on the basis of disability in employment, public service, public accommodation, and telecommunication, it appears that I will have great difficulty taking full advantage of these opportunities because of problems locating, obtaining, and financing adequate personal assistance.

I am happy to have the opportunity to offer comments outlining my experience with PAS, in order to make general recommendations on the need to establish a flexible and coordinated national program.

While my experience has not been easy, I have been persistent in planning programs to fit my individual needs. Unfortunately, **many** others have neither the wherewithal nor the time to locate one of the few existing programs. I would like to share with you the ways in which a personal attendant has made a difference in my life.

To start off the day, my assistant bathes me and helps with my bowel and bladder care. He helps me get in and out of bed, and helps with my cooking, cleaning, and eating. He is an integral part of my daily living, serving as my arms and legs. Basically, he allows me the freedom to participate in the mainstream of society.

I feel that my peers should be given the opportunity to receive the same personal assistance. If they were able to receive the assistance I am

receiving, I believe they, too, would feel more independent and have more dignity.

I have been speaking about HB 2012, the HCBS Special Waiver Program, which allows individuals to direct their own attendants. But recently, because of problems in program delivery to consumers, the Kansas Chapter of the Americans for Disability Attendant Programs Today (**ADAPT**) met with Medical Services, the division of Social and Rehabilitation Services that oversees the HCBS waiver. These were some of the points we brought to the attention of Medical Services:

1. We asked that they show a clear policy statement of preference for community-based services. The current lopsided support for institutions must end. Kansas has one of the highest institutional rates per capita of any state in the union.

2. In light of the above, we want 25 percent of the current budget now being used in institutions to go to community-based services. This would still leave the lion's share of the money to the institutions.

3. We desire consumer advisory committees with oversight responsibilities over all community-based services. People serving on such committees would be self-appointed, not politically appointed or appointed by the bureaucracy.

4. We ask that full implementation of 2012 be carried out on a statewide basis. The promise has not yet been fulfilled. The full range of services and potentials must be realized.

5. We want clear policies in writing available upon request. We will not stand for any more secret memos and verbal interpretations and instructions as to policy. From now on, we are all **going** to be squeaky wheels.

The Medical Services division of SRS was open and willing to hear our comments and suggestions, and they found a large enough meeting place so these issues could be discussed. Not all the fault lies with the Medical Services of SRS. Much of the problem stems from the regulations put upon Medical Services by the national Health Care Finance Administration, the federal health care regulatory agency.

To receive a waiver from HCFA, SRS must prove that these services can be provided in a more cost-effective manner through community-based programs than through an institutional setting. The fact that it is a more humane way to provide services, and that people in home- and **community-**based programs generally receive better quality care, is not enough.

As a result of my personal history, it is easy for me to make these three general observations on the formulation of a national PAS plan:

First, a PAS plan should be national in scope and uniform in delivery. Current PAS programs come in a variety of shapes and colors. No single point of entry exists for a person with a disability, and there are no unifying principles or standards for service delivery. To this end, each state needs to coordinate an agency, and all states need guidance from the federal government.

Second, a PAS system should offer the individual an opportunity to lead a self-directed life. An individual's right to choose the provider is absolutely critical. As a consumer, I desire to control the selection of the individuals who can best meet my needs.

Third, a PAS system must be flexible. Every citizen, disabled or otherwise, is unique and has individual requirements. A system should be sensitive and responsive to the user's needs.

The World Institute on Disability recently adopted a resolution, which it will present to Congress, outlining a national PAS policy. Last week in Topeka, at the Kansas Disability Caucus, we signed on with this resolution.

I would like to talk a bit about the PAS program through Social Security, the plan to achieve self-support. A person with a disability must first write up a plan to choose self-support, whether the support is educational or for setting up a business. Then the SSI money is set aside and is not considered income.

Recently Senator Dole and his staff successfully sponsored legislation that allows set-aside PAS money to be excluded as income for the purpose of allocating food stamps. Until December, when President Bush signed the food stamp act, PAS money counted as income and sometimes resulted in the loss of food stamps. That meant I could either go to college and lose my food stamps, or stay at home and eat! That was one of the main limitations on the PAS plan, and it has been resolved.

With personal assistants, the plan to achieve self-support, and Vocational Rehabilitation all working together, we can work to allow all individuals with disabilities to become employable.

EMPLOYMENT OF PEOPLE WITH DISABILITIES

In the 1990s and Beyond

Glen **Yancey**
Acting **Commissioner**
Kansas Vocational Rehabilitation Services
Topeka., **Kansas**

Good morning. We are going to talk about the future. I am really excited about the fact that what I have heard at this conference really **fits** with what I want to share with you. Much of what I say will simply help you put into perspective the things you already have heard.

When we think about employment of people with disabilities, what is the most important thing that comes to mind? Jobs! Meaningful, contributing, challenging, permanent, rewarding jobs, consistent with abilities and potential. People with disabilities have been the last to be hired **and the first** to be laid off. That has to change. It will change. But we need jobs.

What do we need to support jobs? We need a sound, healthy economy. The national economic outlook contains both good and bad news. On the one hand, changes in demographics and in the manufacturing processes, and the rise in the service sector, are creating new opportunities for productive work by persons with disabilities. On the other hand, the current recession and the pressure of international competition are reducing the overall demand for labor, especially for workers who are likely to require new expenditures for accommodations or fringe benefits.

The Institute for Public Policy and Business Research (IPPBR) recently conducted its annual economic outlook conference. The institute's Kansas forecast for 1992 calls for growth of less than 1 percent in the labor force: growth in overall employment of about 1 percent: an unemployment rate that stays at about 4.5 percent, which is where it has been over the last couple of years; and growth of about 1.3 percent in non-farm wages and salaries.

IPPBR foresees in 1992 a major decrease in mining; a minor decrease of about 1 percent in construction; an increase of about 1 percent in non-durable goods; a .3 percent increase in durable goods: the transportation and public utility sector growing about 1.5 percent: growth of less than 1 percent in wholesale and retail trade; finance, real estate, and insurance declining about 1.5 percent: and a decrease of about 1.5 percent in farm income. The biggest growth will be 3.5 percent in services. We are looking

for meaningful, challenging, contributing work, and it is going to be a challenge to find that in the service industry.

We are clearly not looking at great times ahead. But we have to work with what we have, and be positive about it. So what do we need to do? I don't have all the answers, but I have some.

At the national level we obviously need a sound fiscal policy that relates to manageable spending and reasonable taxation. We need to reduce the federal deficit. We need to reduce the trade deficit. We need full employment. We need policies that stimulate and support the growth of business. And we need a sound education policy that gets out in front and leads.

At the state level, we need economic development and work force development. We are in competition with other states for business and industry, and for a work force. We hear over and over again how the best and the brightest leave our state to work elsewhere. We can't afford that. The best and the brightest may very well be a person with a disability, and we can't afford to lose that person, either.

In Kansas we experience the unique consequences of a rural demographic structure in an increasingly urbanized and centralized world. Our goal needs to be a highly trained work force and high performance organizations operating in a market-driven economy. I am borrowing these words from a presentation at the annual economic outlook conference by Scott Fossler, vice-president and director of government studies for the Committee for Economic Development in Washington, D.C. He says the state has basic responsibilities for economic development:

1. We need to set a basic policy structure in which businesses operate. We need rules, regulations, and laws favorable to business. The state needs to provide the basic economic foundations upon which businesses depend, but which they can't provide by themselves.

2. We need a skilled and motivated work force: technology: access to capital: natural resources: and fair and responsive fiscal policies from state government.

3. We need a culture of performance and entrepreneurship, and we need to do this regionally. The state must provide a framework that supports economic development, but we need to identify regions within the state and work from the ground up, as well as from the top down, to identify our needs, identify our potentials, and develop a plan that will make the most of the resources we have and bring in the resources we don't have. This has to be a cooperative effort: economic development is a partnership.

The next thing we need to do is make opportunities and choices a reality. The promise of the Americans with Disabilities Act and the Kansas Act Against Discrimination is great. But we need to build on the promise and

make it a reality. We do that most of all by providing technical assistance and resources to business people to help them comply. We must help them understand the advantages of hiring people with disabilities (not giving preferential treatment, but simply finding the best-qualified workers and making it possible for those persons to access their employment). We need to reduce fears, explaining that most people with disabilities don't need any accommodation. Of those who do, most do not need costly accommodations. The provisions of the ADA specify that you do not have to bankrupt yourself to provide an accommodation.

Maybe we have some resources that can help that happen. So we need to look at the accessibility of physical plants and equipment, the accessibility of hiring and promotional opportunities, the accessibility of the work processes. We need to look at benefits and attitudes. When we talk about qualified individuals, essential functions, undue hardships, and business necessities, we need to help employers understand these terms and not be put off by them.

I participated in a series of employer institutes last summer with Martha Gabehart of the Kansas Commission on Disability Concerns. The thing that struck me most is that the employers who attended really want to comply with the ADA and the Kansas act. They just need to know **how**.

We are not just talking about big business. In Kansas, we are especially talking about small business. Eighty-eight percent of Kansas employers are not covered by the ADA, which in 1994 will apply to businesses of 15 or more employees. But the Kansas Act Against Discrimination, which was in place before the ADA, covers employers of four or more. The last session of the Kansas Legislature brought the Kansas act into conformance with the ADA, and didn't delay its effective dates. It would have been very easy to water down the Kansas act, but our legislators chose not to do that, and I think they should be applauded.

If we are talking about making opportunities and choice a reality, we need to help develop employment opportunities. This past year, Rehabilitation Services entered into a cooperative agreement with the Department of Commerce to fund five employer development projects. These were awarded to the Whole Person Independent Living Center in Kansas City; the Topeka Independent Living and Resource Center; the Occupational Center of Central Kansas in Salina; and in Garden City and Wichita, the Kansas Elks Training Center for the Handicapped (KETCH). The projects involve education and technical assistance on the ADA. They involve workshops and other incentives to enlighten employers about the abilities and skills of people with disabilities.

The Wichita project and the Garden City project of KETCH, for example, **cover the entire south-central/southwest corner of the state**. KETCH has conducted a market survey of 400 businesses within the 36 counties. The employer accommodation centers they have established focus on the needs

that were identified by businesses, and they have built a resource library on the Americans with Disabilities Act. They have done accessibility surveys and presentations. They have installed an 800 number providing information about the ADA. They have held career fairs, in which employers and people with disabilities come together and explore opportunities for employment. The fair in Great Bend resulted in the hiring, right on the spot, of a significant number of people. Furthermore, KETCH-in partnership with Rehabilitation Services-is going to establish local and regional business advisory councils. These councils will advise us on how we can help businesses hire people with disabilities.

These activities make it easier for employers to hire people with disabilities. They have required communication, coordination, and cooperation. and we are enthusiastic about them.

The next thing we have to do is eliminate barriers and disincentives to employment. At the disability caucus last weekend, the participants broke into groups by congressional districts. One of the overriding issues identified in all groups was health insurance as a barrier. The ADA requires businesses to provide insurance to people with disabilities if they also provide insurance to other employees. But the rates tend to get prohibitively high in the minds of some employers, and that becomes a real barrier.

Health insurance must be available. It must be affordable for both employers and employees. We need some kind of system in which there is a pooled risk. The idea of a shared risk to keep costs down is not new to the insurance industry. But we have tended to fragment that system into the search for low-risk groups, which tends to crowd other people out of the insurance process. We need to pool the risk over the widest possible base. If we stay with a private system, there needs to be government support for an overall health program. We need to continue to look at managed care.

And finally, we need to plan the services we add to the system. Hospitals have to stop competing with each other for the latest technology, driving costs up to levels we can't afford.

Another great need is transportation, although the problems are different in urban and rural areas. In urban areas we need regularly scheduled transportation that is accessible to people with all types of disabilities. We may have the best job in the world for somebody, and that person may be greatly suited for it. But if he or she can't get to and from work, that is a big problem. In rural areas the problems are even more basic: In many cases there is no public transportation at all, and people depend on private groups to run vans and other types of transportation systems.

Another barrier we need to address in the '90s and beyond is **loss of** disability benefits, and loss of Medicare and Medicaid, for people who become employed. We must have a program that guarantees that people's combined wages and benefits will be at least as great as their benefits before

they began working. I do not ascribe to the all-or-nothing theory that people either get disability benefits or work, but can't do both. No one should be threatened with loss of income by going back to work. That is the worst kind of disincentive.

We need to tie the loss of Medicare and Medicaid for people who go off the disability rolls with mandatory employer **insurance**—or we need to allow former beneficiaries or their employers to purchase the Medicare insurance they would otherwise lose. We must be sure the high cost of medicine or other medical supports does not become a barrier to productive activity. These people are going to become taxpayers: they are going to be contributing members of society. Let's not get hung up on some conceptual idea that we have people on disability, and we have people who work, and they can't be the same people.

We need to look at workers compensation laws. We need to look at the isolation of rural areas, which must be a focus of effort in a state like Kansas. We need to make sure our educational system is accessible to people with disabilities and equips them in the same way it equips anyone else.

I run into problems with words sometimes, because none of them express what I mean about how we work with people with disabilities. Most of our words place too much importance on our role and not enough on the person with the disability. This applies to words like “empower” or “enable.” The person with the disability ultimately makes the difference in any kind of delivery system. Our role is simply to inform, to create choices, to help people know about the choices, and to provide guidance. We are not prime movers. Given the chance, **they are the** movers.

This is where Rehabilitation Services comes in, and I remind you that our services are for the individuals who need them. Some people need only a job and they are ready to go; in that case we just need to get out of the way. But other people do need rehabilitation services of various types.

The Rehabilitation Act says the purpose of Rehabilitation Services is “to develop and implement, through research, training services, and the guarantee of equal opportunity, comprehensive, coordinated programs of vocational rehabilitation and independent living for individuals with handicaps (they still use the word ‘handicaps’ in the Department of Education) in order to maximize their employability, independence, and integration into the workplace and the community.”

We are funded primarily by Title I grant money, which is the basic state formula grant. The purpose of Title I is “to authorize grants to assist states to meet the current and future needs of individuals with handicaps, so that **such individuals may prepare for and engage in gainful employment to the extent of their capabilities.**”

The key phrase in the definition of the Rehab Act is “maximize employability.” Our role is not just to get people a job. It is to maximize employability so people have a good start toward the ability to stay in the workplace, advance in the workplace, and be contributing, well-equipped individuals in the world of work.

The key phrase in the definition of Title I is “gainful employment to the extent of their capabilities.” That means we help identify and support those capabilities, and provide opportunities and services that will fully utilize them.

The challenge of doing this has several dimensions for rehab services. For one thing, we need to be in a mode of empowerment, not control. We need to provide services that are client-centered, that are empowering, that reflect and respond to the needs and preferences of individuals with disabilities. Individuals with disabilities need to make decisions about their future based on informed choice. Our job is to inform.

We need to provide services that are relevant to the world of work as it relates to the individual's preferences and capabilities, and we need to do this in a timely way. Our services need to be individual-driven and not program-driven. We need to identify the needs of individuals and organize services around meeting those needs, and not organize our services and then try to plug people into them. That is easier said than done, but as long as there is movement in that direction, it can happen. It will happen. It has to happen.

This means we need rehabilitation plans that we work out with each individual with a disability. Each plan contains goals, measurable objectives, and services we intend to provide. It is flexible and tailored to the individual.

There needs to be client participation throughout the process. We need customer input. I don't use the word “consumer” because it implies people who consume services, and that is not the case. These are our customers. They come to us to buy or participate in what we offer. We need the input of our customers beyond the individual level, through public forums and advisory committees. To that end we will hold a series of public forums this spring in six locations in Kansas. We also are re-inaugurating our advisory committee, and at least half of the members will be people with disabilities.

We need to reexamine all the models we use to move people with disabilities to employment. For a long time there was a “readiness model,” in which we tried to evaluate people's level of preparation. Then we moved to a “placement-oriented” model. Finally we realized that there are many models, and the one chosen depends on the individual. We can't get excited about a model; we have to get excited about human beings. If they need job-seeking skills, let's help them learn job-seeking skills. If they don't, let's see what

they do need. If they need vocational evaluation to find out what their prospects are, let's try that. But if all they need is a job, let's get them a job.

We need to create services and opportunities. To that end we: use establishment grants, in which we **find** out there is a need for services: we send out a request for proposals: we receive proposals from service providers: we choose a proposal: and the provider sets up a supported employment program, an independent living program, or some other program for which a need has been **identified**. The service provider comes up with the match money, we provide the 80 percent federal funds, and we are in business. In this way, we respond to a need at the local level and we help create services that people in an area need to become employable and go back to work.

Cooperative agreements are another mechanism. For example, we have a cooperative agreement with Mental Health and Retardation Services, in which they provided match money to draw down federal funds. The combined effort netted about \$1.75 million that we will spend in 23 facilities in the state for care of people with mental retardation. We will reduce the waiting lists for these facilities by providing supported employment, supported living services, and getting people into the community and into jobs.

We entered into a similar cooperative agreement with the Kansas Centers for Independent Living. They have been receiving state general fund money and federal Part B independent living funds to operate independent living centers. They have taken part of the state general fund and used it to match federal rehabilitation dollars, in order to expand their ability to provide independent living rehabilitation services for self-referrals or people we refer to them. This is an exciting initiative, because it provides the opportunity for centers to grow to a point where they can be viable. Some centers were operating on such small budgets that they could barely hang on.

Our initiative to provide planning for the transition from school to work and life in the community for special education students is probably one of the most important things we are involved in. We are working with the state Board of Education to develop a federal grant application to help us empower local school districts to work in this area. In many communities we are developing local transition councils, through which parents, educators, professionals in the field, and business people can discuss **how** to ensure that students with special needs make that transition successfully.

Almost two-thirds of special education graduates are either unemployed or under-employed a year after graduation. What a waste! There is so much potential that I get frustrated by the limits on what we can do. But if we can put together a cooperative effort in this area, we can help people make enormously positive impacts on their own lives.

We are in the business of providing information rather than direction. We challenge our staff members to be different kinds of experts, not the kind who say, "Leave it up to me; I'll make the decisions about what your life should be." We want our staff to say, "I have information and resources that can help you decide what you want to be."

Now, a quick look at the future for Rehabilitation Services and for the people we serve. I think the configuration of work processes will be driven by the marketplace and by technology. In other words, what people do at work will be greatly affected by those two forces. All employees will need to be able to acquire new knowledge, skills, and abilities, and learn new technologies. Rehabilitation Services also needs to create flexibility and adaptability in setting employment and vocational goals.

In other words, we need less emphasis on preparation for specific jobs and greater emphasis on preparation to enter a field of work. We need greater emphasis on learning how to learn from experience and on learning how to adapt to change and advance within the system. Jobs are going to change rapidly. Organizations are going to change if they are to survive. We need to equip all employees with the skills that it takes to stay with a shifting environment and make it work for them.

We probably need to validate basic job-seeking, job-preparation, and **self-**advocacy skills. Some of our clients already have those skills, but many of them do not. Many people without disabilities don't have those skills, either.

Center Industries, through a grant from Rehabilitation Services, has expanded the number of total employees in its defense project from approximately 75 to 150. As part of that process, the firm's employment office interviewed more than 300 people with disabilities for the new jobs. The biggest deficit they saw was interviewing skills. People simply did not present themselves well. We know this is a problem in the population at large, not just the disabled population. But since that is the population we serve, we need to work on that skill.

We need to increase our post-employment services, touching base with clients after they are hired. We need to be there. Our clients need to know we are there, so that if they need help down the road they can get that help and stay engaged in the workplace, and not find themselves stuck in a dead-end job.

We need to give our clients the skills to access training and service programs within the employment setting. We need to remind employers that they should maintain the accessibility of the workplace, the accessibility of jobs, and the accessibility of employment training and promotion processes. That doesn't mean just removing physical barriers: it means removing all kinds of barriers. It means leveling the playing field. It doesn't mean

preferential treatment for anyone: it just means the opportunity to get into the game.

We need to ensure the availability and the utilization of placement specialists, people who understand the employment market, people who understand the unique needs of persons with disabilities, and people who can help with a person/job match. That is the key. It is simply a matter of matching the individual to the job. Our continued partnership with **KETCH** will help us work toward that goal.

We need collaboration, not isolation. I can't be in vocational rehab doing my thing while KETCH is doing its thing, Independent Living is doing its thing, and the KARF facilities are doing theirs. We need to work together, and we are working together. We are co-creators of services and job opportunities that are client-centered. The programs need to have permeable boundaries, to be able to flow with one another and put together programs that serve our population. We need to see rehabilitation from a holistic standpoint, not each of us doing a piece in isolation, but all of us working together and seeing the individual as a total person with total needs.

Above all, we need to maintain a community-based commitment. The community is where people live and have their natural support mechanisms. We need to give them the choice, as much as we can, to stay there and to work there. We need to make sure our services are provided in the community, rather than off in some inaccessible location. With our local transition councils we have taken a step in the right **direction**.

We need to be proactive, not reactive. We can't just announce that our hours are **8-5** and the door is open. We need actively to seek out and serve unserved populations.

We dare not close up all the sheltered employment opportunities and push every client into an integrated work setting. We have to maintain a balance, keeping the shelter opportunities for those who need them a certain stage in their lives. We need to push for integration and for competitive, challenging jobs, but we need the whole spectrum.

We need to think about independent living. Some people must learn to **deal** with their disability before they are ready to talk about employment. They may need peer counseling from an independent living center. Or maybe they just need somebody to help equip them to make the decision to live in their own home. We must permit people to move toward independence one step at a time.

Finally, we need to provide support and acceptance to people with disabilities. That ought to come easy for us, but unfortunately we get wrapped up in lots of other things and it doesn't come as easy as it should. We need to recognize and reinforce natural support groups and help develop peer support groups. There is a need for ongoing support services that go

beyond the bounds of any one program. We have to find a way to fund these where they are needed.

We need follow-up. Not the kind that keeps track of people just to count numbers, but the kind that is done in a caring way: "It's been a year since we worked together: how are things going?" This takes time and dedication, but it can be done. It has to be done.

We need to change some minds, some attitudes, some hearts. But that is part of the growing process. We are growing and we are learning, and most of us are open to change if somebody just plants the seed and then reinforces it once in awhile.

We need to stay engaged with each other and with the employer community, with individuals with disabilities, and with advocacy groups. We need to learn together; we need to grow together; we need to become accepting; we need to share that acceptance; we need to plant it: we need to nurture it. It has to happen, and it will-but only intentionally.

Sidney Simon said, "Our growth and changing depend on two vital resources: having alternatives and having the personal support and acceptance to try them out." That is what we are all about.

I had the opportunity to reflect a week ago on the first anniversary of my appointment as acting commissioner. I decided that I am just as excited and enthusiastic about the job as I was a year ago, and I doubt if that has been lost on you today. I am excited about the field. I am excited about the future. I think it is going to be challenging. I think our work is cut out for us, but it is going to be fun. Let's get on with it!

APPENDIX

Planning Committee Members

Employment of People with Disabilities: Issues and Opportunities

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